

Berkeley Courthouse Project

Draft Environmental Impact Report

SCH# 95013044

March 1997

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Chapter I - Introduction and Summary

Purpose of This EIR

This Draft Environmental Impact Report (“EIR” or “DEIR”) has been prepared by Alameda County in conformance with the California Environmental Quality Act (“CEQA”) and State CEQA Guidelines, as amended (Public Resources Code §21000 et. seq. (Statutes); Title 14 California Code of Regulations §15000 et. seq. (Guidelines)). The Draft EIR is an informational document to aid in public review and official decision-making. As such, it discusses the following: environmental setting; potential direct, indirect, cumulative and growth-inducing impacts of the project; mitigation measures that could be applied to the project in order to reduce or avoid those impacts; and alternatives that could mitigate significant environmental impacts. The EIR also discusses the feasibility of mitigation measures and/or alternatives, and identifies impacts that would remain significant and are unavoidable.

This report will be reviewed by the general public, interested and responsible agencies, and the Alameda County Board of Supervisors. Alameda County is the Lead Agency, and the Board of Supervisors is the decision-making body for certifying the EIR and approving the proposed Berkeley Courthouse project. A Final EIR (“FEIR”) will be prepared following a formal public review and comment period on the Draft EIR. The FEIR will incorporate this DEIR, and will include: comments received on the Draft EIR, either verbatim or in summary form; a list of persons, organizations and agencies commenting on the Draft EIR; responses to significant environmental points raised in the review process; and any necessary clarifications of the DEIR.

The information in the FEIR will be used during the County’s project review process to assist in determining the appropriate course of action regarding project siting, design, construction, and operations. As an informational document, the EIR is used in planning and decision-making; it does not specifically recommend implementation or rejection of the project or alternatives. The Final EIR typically is certified as complete by the Board of Supervisors before property is acquired, a final site is selected, and a project is designed.

If and when a new courthouse project is approved, CEQA requires the Board of Supervisors to make findings regarding the disposition of each significant impact and corresponding mitigation measure identified in the FEIR. This may include incorporating changes into the project, selecting a different alternative, or rejecting certain measures or alternatives as infeasible. If significant impacts would occur with the final project, the Board is required to adopt findings to support the decision to proceed, and a statement of overriding consideration.

Project Overview

Project Description Summary

As described in detail in Chapter II, *Project Description*, Alameda County has been studying the need for and possible opportunities to provide a new courthouse to serve the Berkeley / Albany area for several years. The County has most recently considered two sites as preferred options that will be pursued further following the completion of the environmental analysis.

The first site is located in the Civic Center area of Berkeley, generally bounded by Martin Luther King Jr. Way, Center Street, and Addison Street. The primary site would be developed as the new courthouse facility. It comprises four parcels of land in private ownership which are currently developed as apartments, a PG&E service center, offices, and a private language school, encompassing about 0.90 acres of land (39,000 square feet). A second area north of Addison Street at the corner of MLK Way would be developed as a parking garage. That area includes three parcels of privately owned land which are currently developed as a tire store, offices, and apartments, encompassing about 0.57 acres of land (25,000 square feet). In all, the Civic Center site would include about 1.45 acres of land (64,000 square feet). Preliminary architectural programming places a four-story courthouse on the main block with the main entrance on Center Street, and a three or four-story parking garage on the second block with a vehicular entrance on Addison Street. This is the "preferred Project" for the purposes of this EIR. Several sub-alternatives to this plan are described and evaluated in Chapter V.

A second site ("Hink's Garage") that has been considered by the County as a viable option comprises six parcels, bounded by Kittredge Street, Milvia Street, and Bancroft Way in the downtown area of Berkeley. The site is currently occupied by two parking lots, a two-level parking garage, an auto repair shop, a restaurant, and a motel. In all, the second project site would encompass about 2.3 acres of land (99,000 square feet). The County's preliminary architectural program places a three-story courthouse along the Kittredge Street frontage, and a four or five-story parking garage on the Bancroft Way frontage.

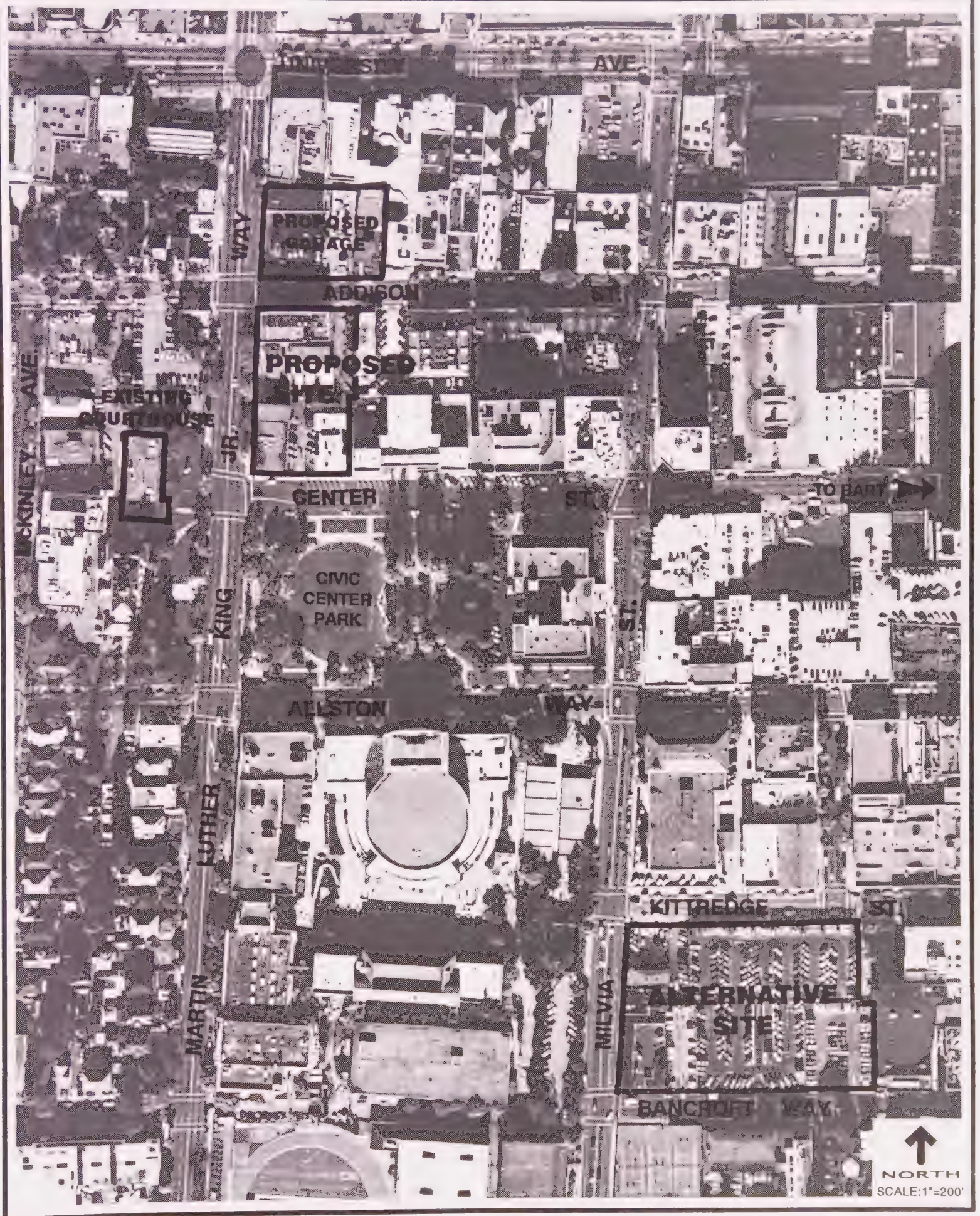
After the EIR is completed and the project is approved, the County will undertake negotiations to acquire all of the existing uses and land area, relocate tenants, and demolish the existing buildings on the selected site to make way for the project. At either site, the new courthouse would enclose about 70,000 square feet of net assignable floor area, and a total of about 120,000 gross square feet. The four-story Civic Center courthouse would be between 60 and 70 feet tall. The three-story Hink's Garage courthouse would be about 45 to 50 feet tall.

Figures I-1 through 3 provide a general orientation to the sites and environs. *Figure I-4* shows the existing court facility. *Figures I-5 through 9* show the existing conditions at the preferred project site. *Figures I-10 through 13* show the existing conditions at the alternative site.

Project Need

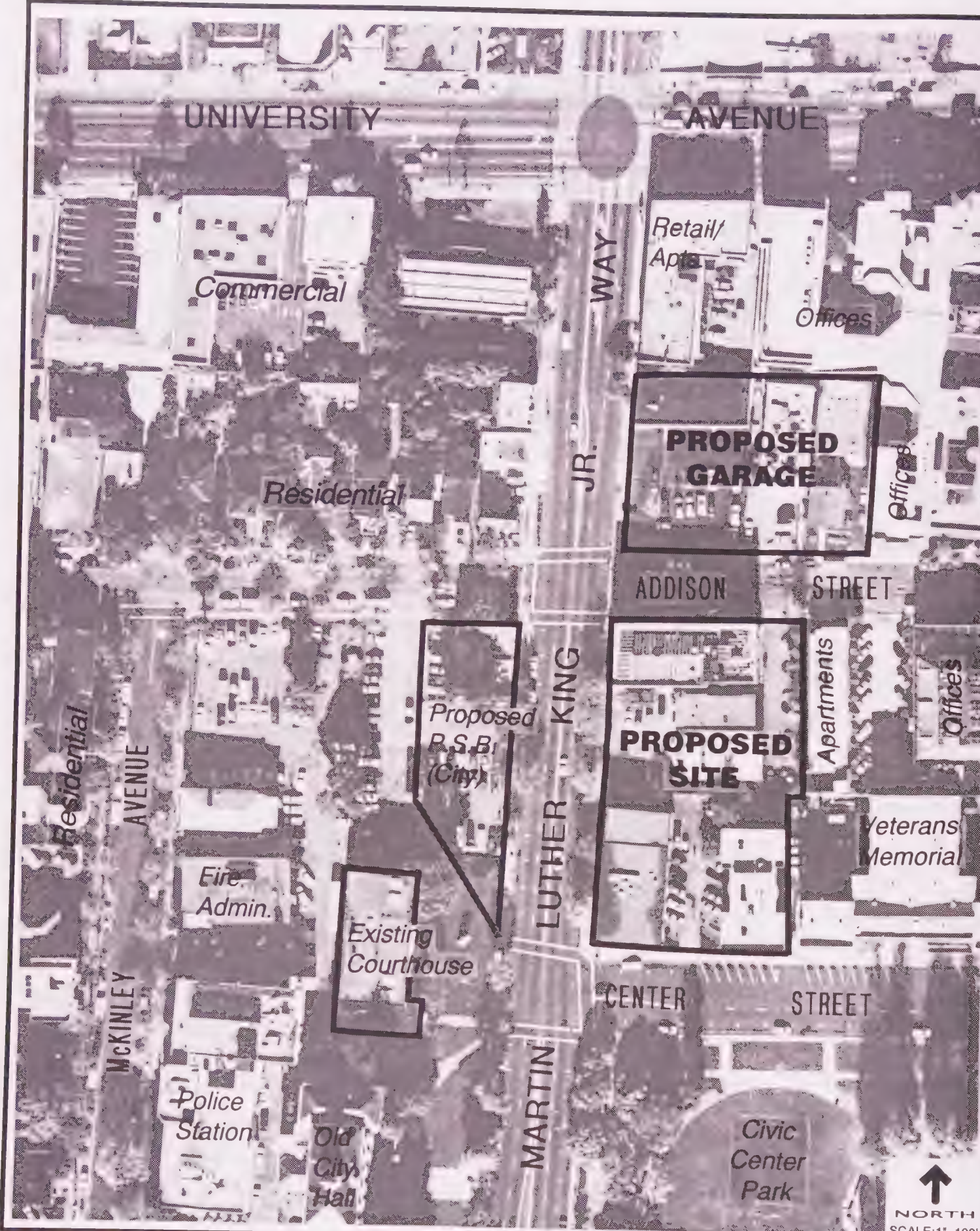
In 1987 the Judicial Council of California ("Council") conducted a space management analysis of the buildings occupied by the Berkeley / Albany Municipal Court. The Council identified problems in managing space, locating services, and providing security. Specifically, the Council found that: courtrooms had insufficient space to accommodate proceedings and necessary participants; the judges had insufficient private work space to conduct research and to meet with court personnel, attorneys, and litigants; the Court had insufficient and inefficiently designed library space; the Clerk of the Court had insufficient and inadequately designed space for needed staffing in criminal, traffic and accounting divisions; the Clerk of the Court had insufficient space for storage of files and records; the number of locations reduces the Clerk of the Court's ability to manage operations, workflow and staff efficiently and effectively; the Court's holding cells have insufficient space to accommodate the average number of criminal defendants detained for hearings; the Court has no witness waiting rooms or attorney-client conference areas; and, the Court had inadequate accessibility for the physically disabled.

The Council recommended that the Court begin discussions with appropriate County officials to develop a plan for the construction of a new courthouse or the leasing of a larger facility which will meet the minimum space standards outlined in the report and locate all courtrooms and offices in one location. Although some of the BAMC facilities have changed location or been remodeled since the Council conducted its evaluation, the Council's findings remain valid today. The Council's findings, therefore, represent the major programmatic needs of the Court.



PROJECT AREA

FIGURE: I-1



PROPOSED PROJECT SITE AND ENVIRONS

FIGURE: I-2



ALTERNATIVE SITE AND ENVIRONS

FIGURE: I-3



Front of Existing Courts - Martin Luther King Jr. Way



Rear of Existing Courts - McKinley Avenue

PHOTOS OF EXISTING COURTS

FIGURE: I-4



Parking Lot - Addison Street



Framat Lodge - 1906 Addison St./Martin Luther King Jr. Way

PHOTOS OF PROJECT SITE

FIGURE: I-5



American Language Academy - 2107 Martin Luther King Jr. Way



P.G. & E. Building - Martin Luther King Jr. Way

PHOTOS OF PROJECT SITE

FIGURE: I-6



P.G.&E. Building - 1903 Center Street



Apartments - 1907 Center Street

PHOTOS OF PROJECT SITE

FIGURE: I-7



GoodYear Tire Store - 2099 Martin Luther King Jr. Way/Addison Street



"AJOB" Offices - 1911 Addison Street

PHOTOS OF PROJECT SITE

FIGURE: I-8



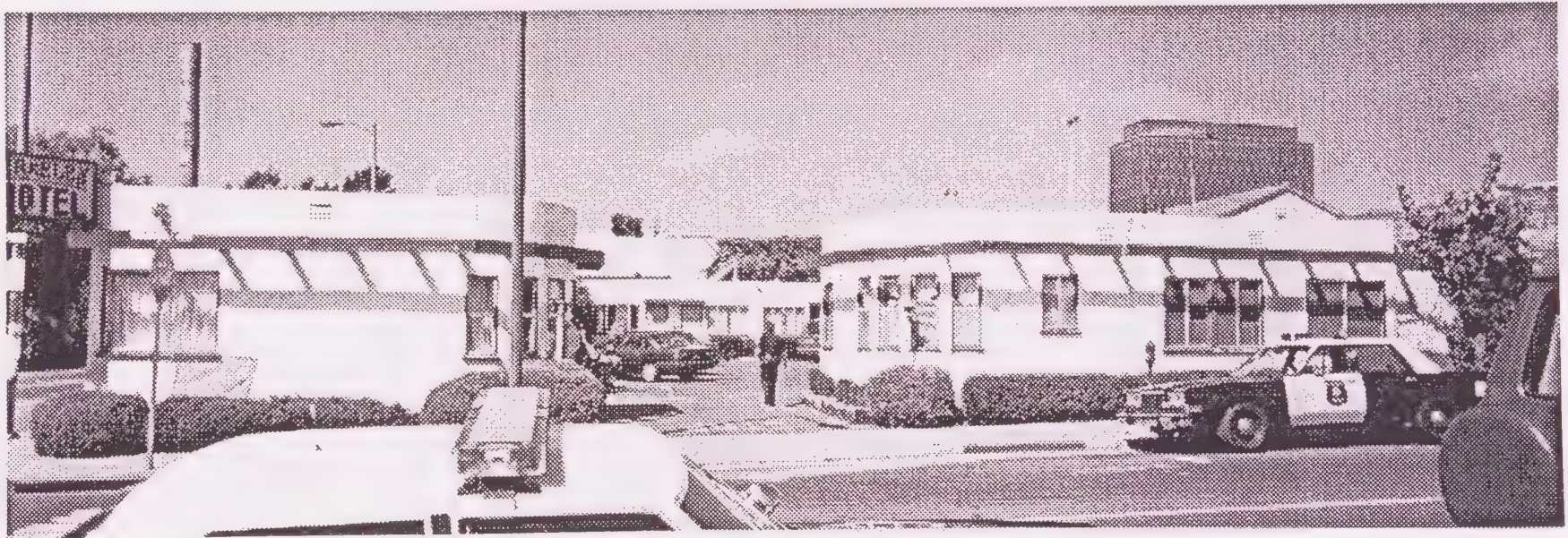
Offices/Apartments - 1915 Addison Street

PHOTOS OF PROJECT SITE

FIGURE: I-9



Yas Auto Repair - Milvia Street



Berkeley Motel - Bancroft Way

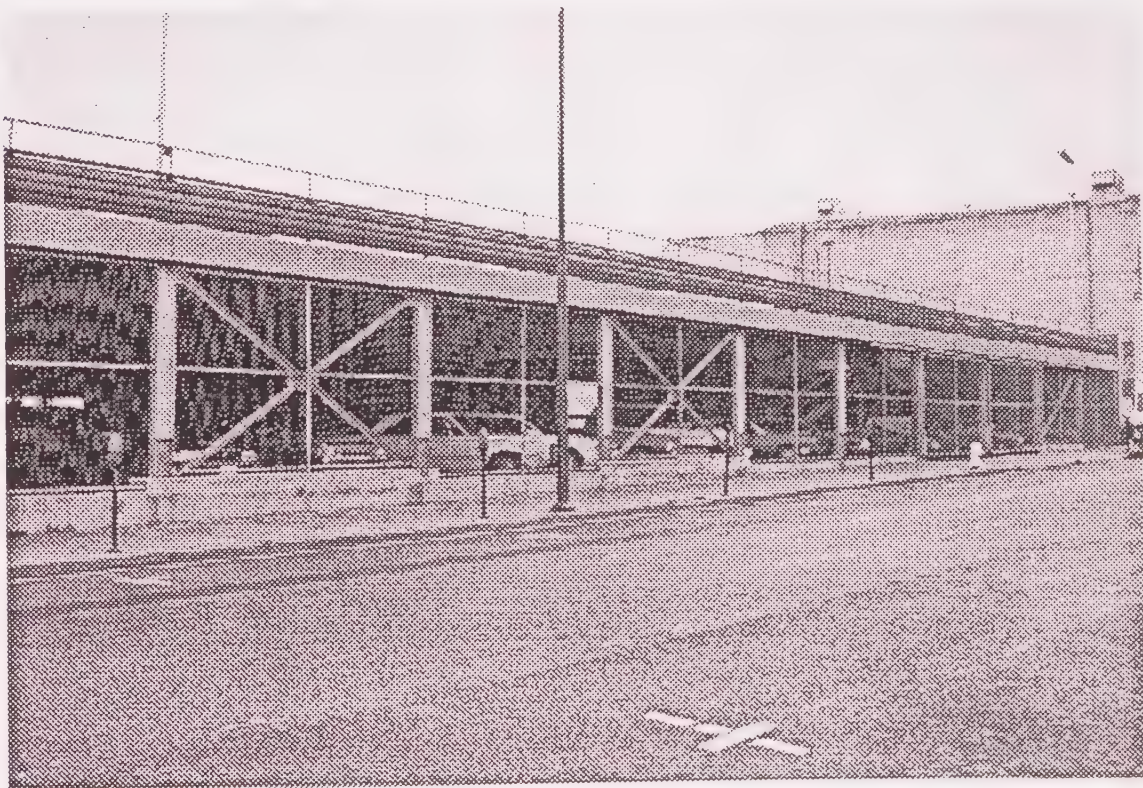
PHOTOS OF ALTERNATIVE SITE

BERKELEY COURTHOUSE EIR
Alameda County Planning Department, 1997

FIGURE: I-10



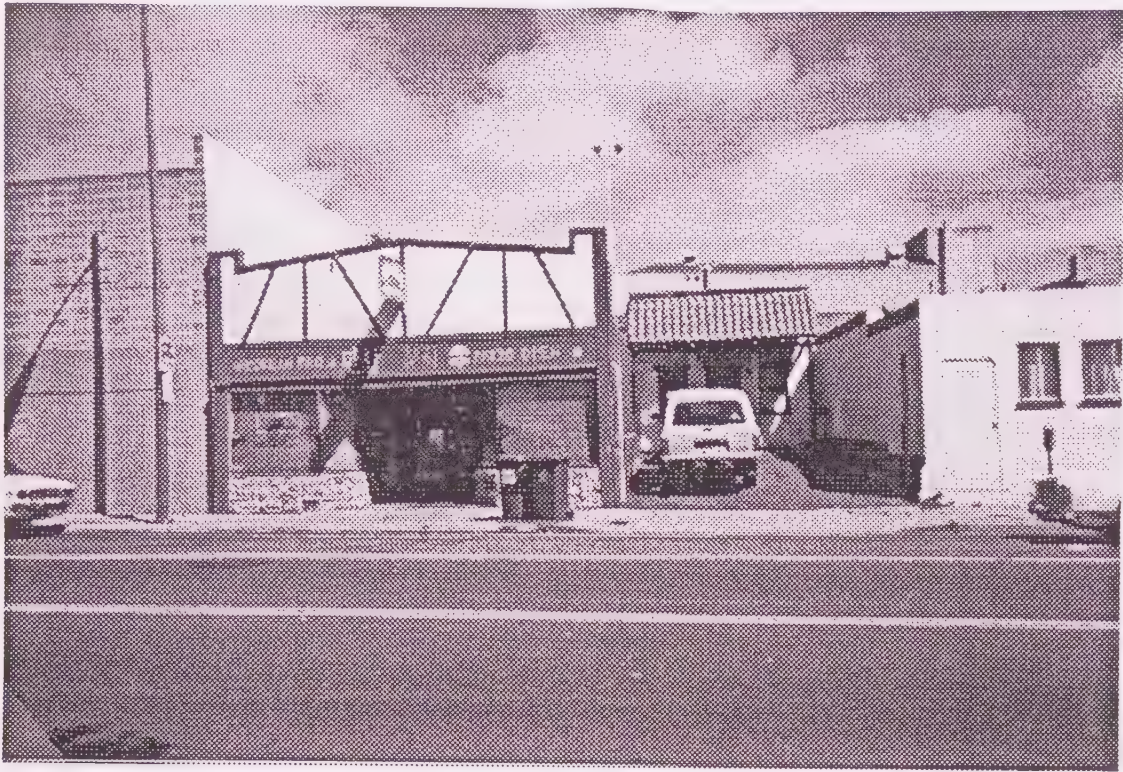
U.S Postal Service Parking Lot - Bancroft Way



Hink's Garage - Bancroft Way

PHOTOS OF ALTERNATIVE SITE

FIGURE: I-11



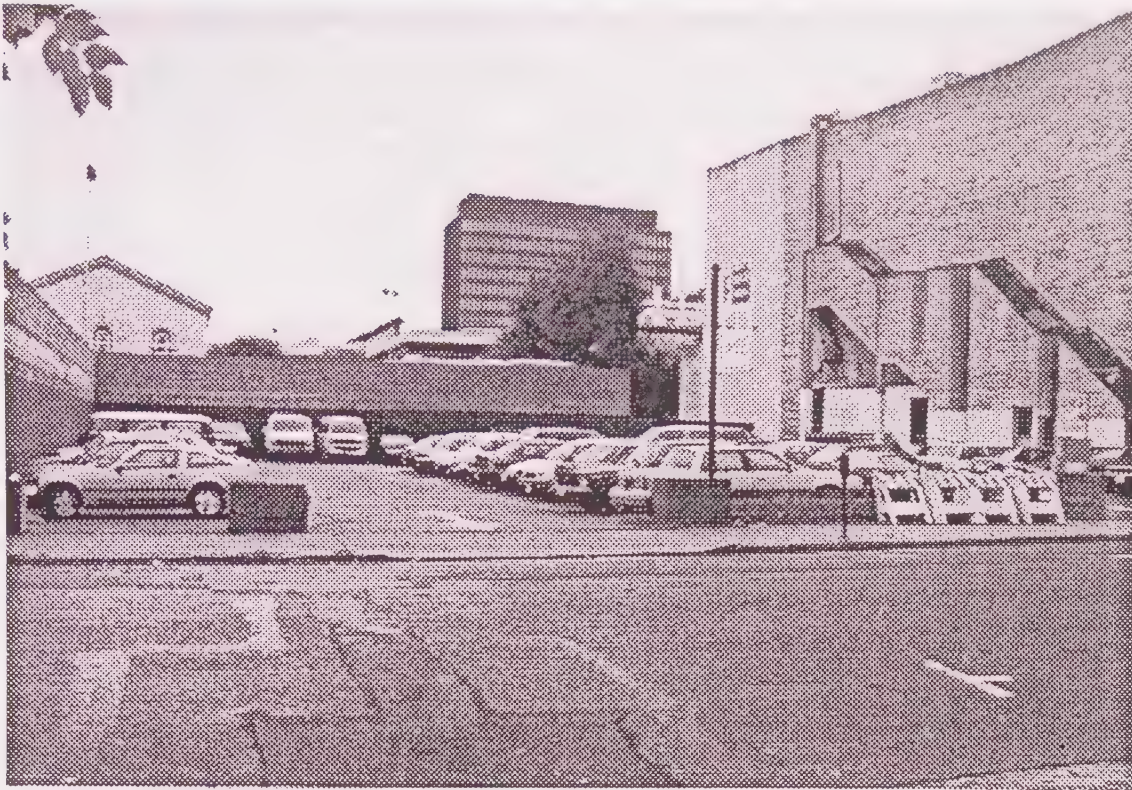
Milvia Restaurant and Office - Milvia Street



Yas Auto Repair - Kittredge Street

PHOTOS OF ALTERNATIVE SITE

FIGURE: I-12



Douglas Parking Lot - Bancroft Way



Rear of UA Theater - Bancroft Way

PHOTOS OF ALTERNATIVE SITE

FIGURE: I-13

Other operational needs that would be addressed in the new building include adequate jury assembly and jury deliberation space, efficient staffing for security and detainee handling, courtroom safety, efficient communication between departments, and adequate parking for staff and visitors without impinging on neighboring residential areas.

Since the Council's report in 1987, the County has been pursuing a development program and site selection process to respond to the need for a new courthouse in Berkeley. The City of Berkeley has also assisted in the selection of the preferred site. The site selection process is described in more detail in Chapter II, Project Description.

In 1995, the Council adopted California Rule of Court 991 (CRC 991), which governs Court operations throughout the State. CRC 991 requires the coordination of trial courts within a county through a series of steps, including the consolidation of administrative functions, the cross-assignment of judicial officers, and other means of increasing the efficiency of Municipal and Superior Courts through consolidation. Also in 1995, the Berkeley-Albany Municipal Court district and Alameda County Superior Court executed a Memorandum of Understanding to consolidate their administrative functions. The development of a new courthouse in the City of Berkeley which will house Superior Court departments will facilitate coordination of judicial resources.

In 1996, the Judicial Council Court Profiles Advisory Committee recommended that the Alameda County Superior Court receive two additional judgeships. While it is not certain that these judgeships will be approved, and since there is no acceptable vacant court space in Alameda County, the County believes that it is reasonable in the planning of a new Court facility to provide for additional court rooms. There are also occasional needs for additional court space for cases that require a change of venue, or for complex trials with many participants.

Finally, the City of Berkeley has concluded its own site planning and programmatic phases and is now developing construction plans for a new Public Safety Building (PSB) immediately adjacent to the existing courthouse site. That plan assumes in effect that the existing courthouse building will be demolished and the land will be used for other public purposes. The PSB, expected to break ground in 1998, will also displace parking for the courts. The County's lease for the Berkeley courthouse expires in year 2007; the County expects to vacate the building prior to that date due to the pressing needs for a new facility and siting incompatibility with the PSB.

CEQA Process

The California Environmental Quality Act (CEQA) requires public agencies in California to give major consideration to preventing environmental damage in regulating public or private activities. For a proposed activity or "project" subject to CEQA, such consideration is accomplished through the preparation of appropriate environmental documents, public review and comment, and the making of findings as part of project approvals.

Initial Study

Usually, an *Initial Study* is first prepared, documenting the potential for significant environmental impacts in a broad range of issue areas. If the Initial Study determines that the project will not have a significant effect on the environment, or that mitigation measures added to the project and adopted or agreed to by the applicant will reduce the impacts to a less-than-significant level, a *Negative Declaration* is prepared. If the Initial Study determines that the project may have a significant unmitigated or unknown effect on the environment, a *Notice of Preparation* (NOP) and an *Environmental Impact Report* (EIR) are prepared.

For the Berkeley Courthouse project, the County prepared and circulated an Initial Study and Notice of Preparation, and indicated that an EIR would be prepared to thoroughly address issues that were not readily

addressable with available information. The purpose of the notice was to solicit guidance from responsible agencies and other parties as to the scope of the EIR. Copies were sent to the State Clearinghouse, responsible agencies, interested parties, and property owners and occupants in the project vicinity on January 18, 1995 for a 30-day review period. Approximately 15 responses to the NOP were received before the February 21, 1995 deadline. A public scoping meeting was held in Berkeley on February 16, 1995, to solicit verbal comments from interested parties; approximately 20 people were in attendance.

After the initial review process for the Hink's Garage Site, the City of Berkeley undertook a planning study for the Civic Center area to address the location and design of several major public facilities that were being planned for expansion, relocation, and major renovation. Those projects included the main public library, City offices, high school buildings, school district headquarters, and the new courthouse. The County participated in that study process as an interested party. During the City's planning process, the City's consultants and staff identified a new set of parcels that could provide a suitable site for the courthouse project, at a location near the Civic Center Park that had not yet been developed with strong civic uses. The City recommended that the County reconsider plans for the Hink's Garage Site and instead develop plans for the site at Martin Luther King Jr. Way and Center Street.

The County responded by incorporating the Civic Center Site into the courthouse programming work that was already nearing completion, which required the expenditure of substantial amounts of time and funds to evaluate the site, prepare conceptual plans, and participate in discussions with the City about issues related to development at either site. The County also continued refining the program documents for the courthouse, and incorporated the two sites as options that could be developed with adequate space for all of the court's expected functions. The Center Street Site was ultimately recommended as the preferred site, based in part on proximity to the new Public Safety Building being planned by the City across the street from the Center Street Site.

Because the project has undergone these revisions, a second Notice of Preparation was issued in May 1996. The Notices of Preparation, Initial Study, Public Notice and Agenda for the scoping meeting, and public responses are available for review at the Alameda County Planning Department office.

Environmental Impact Report (EIR)

The purpose of the EIR is to identify the potentially significant impacts of a project on the physical environment, to determine the extent to which those effects could be reduced or avoided, and to identify and evaluate feasible alternatives to the project. An EIR need not be exhaustive in its analysis of a project, but should analyze important issues to a sufficient degree so that decisions are made in an informed manner.

Significant Impacts. Potential environmental effects that are addressed in this EIR include:

- Land use and planning
- Urban design
- Geology and hydrology
- Historic resources
- Transportation
- Noise
- Air quality
- Hazardous materials.

This EIR uses the following terms to denote the significance of impacts, as shown in the text of each chapter:

- A “less than significant” (LS) impact is one that would not cause a substantial adverse change in the environment, and so no mitigation measures are required. In some cases, this EIR recommends mitigation measures that could be adopted to further reduce the impact.
- A “significant” (S) impact means a substantial, or potentially substantial, adverse change in any of the physical conditions in the area affected by the project, and so the EIR recommends mitigation measures. Unless otherwise noted, these measures would reduce the impact to a less than significant level.
- A “significant and unavoidable” (SU) impact is a significant impact for which no feasible mitigation or alternative is available to reduce the impact to a less than significant level. Mitigation measures are recommended in the EIR, but they are not deemed adequate to reduce the impact to a less than significant level.
- A “beneficial” impact is a change in the environment that could improve the conditions for the area.

Each topical section in Chapter III includes criteria used to determine the areas of concern and level of significance in accordance with CEQA. These criteria are based on Appendix G of the CEQA Guidelines and on appropriate professional judgement as to thresholds of significance.

Mitigation Measures. “Mitigation” is defined as:

- Avoiding the impact altogether by not taking certain actions or parts of an action;
- Minimizing the impact by limiting the degree or magnitude of the action and its implementation;
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- Reducing or eliminating the impact over time during the life of the action; or,
- Compensating for the impact by replacing or providing substitute resources or environments.

When an EIR determines that a project could cause significant impacts, those agencies with approval authority over the project are required to make one or more of the following determinations before the project can be approved:

- Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant impacts identified in the EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another agency (which has adopted or should adopt the changes).
- Specific economic, social, technological, legal, or environmental factors render the mitigation measures for, or alternatives to, the project infeasible.

If, after mitigation measures have been applied, one or more of the significant impacts of the project are found to be unavoidable, the agencies may not approve a project unless it is determined that the remaining significant effects on the environment are acceptable due to the overall benefits of the project. The agency is required to issue a Statement of Overriding Considerations supporting its decision to approve the project if unavoidable environmental impacts would occur.

Alternatives. Several alternatives are considered in this report, as is a discussion of the site selection process. The No Project alternative also is analyzed, as required by CEQA. No Project would leave the existing courthouse building and leased facilities in place as the only Municipal Court Departments in Berkeley. It would

not require property acquisition, demolition, construction, and operations at either of the proposed sites, nor would it provide for substantial improvements to the existing facilities. Variations on the Civic Center site development plan are illustrated to address constraints on the Addison Street frontage of the site, including adjacent land uses, building height, and visual quality. Parking garage options are also discussed. Alternative plans for development of the Hink's Garage site that were considered during the County's programming effort are also shown and evaluated.

Project Review and Approval. The agency with the primary role of approving a project is designated in CEQA as the Lead Agency. Other agencies with discretionary approval authority over the project are identified as Responsible Agencies. Trustee Agencies are those state agencies having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. Other interested parties may comment on the EIR to assist in providing a thorough understanding of the project and its potential effects. The Alameda County Board of Supervisors is the Lead Agency for approval of the new Berkeley Courthouse project. Nine departments of the Administratively Consolidated Trial Courts of Alameda County and numerous related County departments and agencies will be the users of the facility.

Agencies that will review the project include:

- the City of Berkeley
- the State Office of Historic Preservation (OHP)
- the Administratively Consolidated Trial Courts of Alameda County,
- other County departments and agencies including the County Administrator's Office, Sheriff, Public Defender, and District Attorney.

The process of project approval and implementation includes the following:

- EIR certification, findings of fact and statement of overriding considerations (if necessary), mitigation monitoring program adoption, funding appropriation, land acquisition, business relocation, and housing assistance by the Alameda County Board of Supervisors;
- Encroachment permits from the City of Berkeley for street access, utility connections, etc.;
- Utility service and improvement agreements with the East Bay Municipal Utility District, Pacific Gas & Electric Company, and City of Berkeley.

Public Review

This Draft EIR will be available for public review for a minimum of 45 days. During this period, written comments on the accuracy and completeness of the EIR may be submitted by any party. Comments from responsible and trustee agencies should focus on areas that are under their jurisdiction. Written comments should be submitted to:

*Steven Buckley, AICP
Planner III
Alameda County Planning Department
399 Elmhurst Street, Room 136
Hayward, California 94544.*

More information may be obtained by calling (510) 670-5400. Oral comments relevant to the environmental documentation may be made at a public meeting on the EIR, which will be scheduled and noticed by the County during the review period. Oral and written comments on the Draft EIR received during the public comment period

will be responded to in the Final EIR. The Final EIR will be made available for review for a minimum of 10 days prior to consideration by the Alameda County Board of Supervisors.

After preparation of the Final EIR, the Board of Supervisors will hold a public hearing to certify and adopt the EIR and, possibly, to consider action on the proposed project. Certification of the EIR does not constitute approval of the project. If approved, project implementation could also require approval by the agencies listed above. The project would then be implemented in accordance with approved plans, with concurrent mitigation monitoring by Alameda County to ensure compliance with plans, specifications, and conditions, and to consider any revisions as may be necessary to mitigate impacts during construction and operations. Monitoring would also be conducted by responsible and trustee agencies, as appropriate.

Summary of Report

Contents

Chapter I, *Introduction and Summary*, provides an overview of the analysis contained in this EIR.

Chapter II, *Project Description*, provides a detailed discussion of the proposed courthouse project.

Chapter III, *Environmental Setting, Impacts and Mitigation Measures*, identifies potentially significant impacts of the proposed project in the areas of land use and planning; urban design; geology and hydrology; historic resources; transportation, noise; air quality; and hazardous materials.

Chapter IV, *CEQA-Required Issue Analysis*, includes a summary of cumulative impacts, growth-inducing impacts, and significant unavoidable impacts of the proposed project.

Chapter V, *Alternatives*, describes the County site-selection process, alternatives that were considered and rejected, the CEQA-required No Project alternative, several variations on the Civic Center site plan, several variations at the Hink's Garage site, and optional parking provision. The Environmentally Superior Alternative is also identified.

Chapter VI, *EIR Preparation*, lists individuals and consulting firms who contributed to this report, persons contacted, and reference documents used.

Assumptions

CEQA recognizes that choosing the precise time for CEQA compliance involves a balancing of competing factors. EIRs should be prepared as early as feasible in the planning process to enable environmental considerations to influence a project's program and design, yet late enough to provide meaningful information for environmental assessment; public project sponsors should incorporate environmental considerations into project conceptualization, design, and planning; and CEQA compliance should be completed prior to acquisition of a site for a public project. Alameda County has complied with these guidelines by consulting with the City and other interested parties, evaluating environmental constraints at each site, incorporating this information into preliminary designs, and then preparing the formal environmental analysis prior to final design and site acquisition.

The plans and program for constructing and operating the Berkeley Courthouse project have been developed to respond to the programming needs of the Courts and the locational preferences of the City of Berkeley. There is a sufficient level of detail at this time to allow meaningful environmental analysis in conformance with CEQA. Accordingly, this EIR presents reasonable assumptions about the overall types and levels of activity that would

occur at the new facility and describes the environmental impacts. Where necessary, a conservative estimate (worst-case) is used. However, some aspects of the project are still in the formative stage. As recommended by CEQA, the EIR will be used to guide further project refinements in these areas, including final site planning and exterior design. This EIR evaluates all phases of the project and alternatives, including planning, design, construction and operation. The EIR also evaluates effects of reasonably foreseeable growth in the area as a cumulative condition. Chapter IV presents the assumptions used in the cumulative impact analysis.

Impacts, Mitigation Measures and Alternatives

Significant Environmental Effects and Recommended Mitigation Measures

CEQA defines a significant effect on the environment as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project..." Therefore, in identifying the significant impacts of the project, this EIR concentrates on its substantial physical effects and upon mitigation measures to avoid, reduce, or otherwise alleviate those effects. Nonetheless, this EIR also discusses some non-physical effects, or less-than-significant effects, and recommends mitigation measures to address these effects where reasonable.

As shown in *Table I-1, Summary of Potential Environmental Impacts and Recommended Mitigation Measures*, each significant impact has been addressed by one or more mitigation measures that would reduce impacts to a less-than-significant level. In some cases, mitigation is not available or feasible to reduce the impact to a less-than-significant level; this is noted in the table, as necessary. Some impacts would be less than significant. In these cases, mitigation may be recommended, but is not required by CEQA. If a site is not designated, then the impact and/or mitigation apply to both sites.

It is not known at this time what mitigation measures would be adopted by the County as part of the final design of an approved project. This is because the County decision-makers will ultimately be called upon to balance the benefits of a proposed project against its environmental impacts in determining whether to approve a project, and how to condition that approval. The Board of Supervisors will adopt findings regarding the disposition of each environmental impact, mitigation measure, and alternative as identified in this EIR. If the benefits of a proposed project are determined to outweigh its unavoidable adverse environmental effects, the adverse effects may be considered acceptable for the purposes of CEQA. If the project is approved, final adopted mitigation measures or their equivalent would become part of the project's design and implementation program, and would be enforced through periodic mitigation monitoring and reporting by the project architect/engineer.

Please see Chapter III for a full discussion of each of the impacts listed in *Table I-1*. Also see Chapter IV for a discussion on cumulative effects, unavoidable significant effects, and growth-inducing effects of the project.

Areas of Controversy and Issues to be Resolved

The Alameda County Board of Supervisors will be responsible for determining whether and how to mitigate identified impacts, and for choosing among the alternatives analyzed in this EIR. The Board will also be responsible for resolving issues raised by members of the public and by other agencies. At this time, those issues include: compliance with City codes and policies, particularly related to building height, design review, and historic preservation; removal of several units of affordable housing in the downtown / civic center area and provision of replacement housing units; preservation or demolition of potentially significant architectural/historical buildings; selection of a final development site in light of the City's Civic Center Urban Design Plan, downtown economic development goals, neighborhood preservation, and individual property owner interests; replacing public parking and providing a loading dock for the Public Library at the Hink's Garage site if that site is developed; and possible cooperative agreements with other agencies for shared parking.

Table I-1
SUMMARY OF POTENTIAL ENVIRONMENTAL IMPACTS AND RECOMMENDED MITIGATION MEASURES

Potential Environmental Impact	Recommended Mitigation Measure
Land Use and Planning	
<u>A-1</u> : Development of the new courthouse would require the acquisition and demolition of existing medium and low-density residential and commercial land uses, and would result in a substantial addition to the amount of land and floor area dedicated to courthouse use in the City's civic center / downtown area, which would modify the land use mix in the City and the project area. (LS)	<u>A-1</u> : None required.
<u>A-2</u> : The project could be incompatible with the immediately adjacent residential, commercial, and institutional facilities. (LS)	<u>A-2</u> : The final site plan and design of the project could be circulated for review by owners and occupants of neighboring properties to ensure consideration of issues related to land use compatibility during construction and operations.
<u>A-3</u> : The project would require the removal of existing structures and occupants at the site, and possible relocation of those uses and tenants to other sites in the downtown or elsewhere in the City. (LS)	<u>A-3</u> : The County will implement a Relocation Assistance Program (RAP), which will address the amount and types of residential and non-residential displacement, availability of relocation resources, and any specific relocation problems.
<u>A-4</u> : The project would require the relocation of court uses from the existing courthouse building on land leased from the City, and in leased private office buildings in the Civic Center area, to the new Courthouse. (LS)	<u>A-4</u> : None required.

Potential Environmental Impact	Recommended Mitigation Measure
<p><u>A-5</u>: The project's height would exceed City zoning height limits, which would normally require increased setbacks and/or City approval of a variance, and the project would normally require a use permit for development of the parking garage. (S)</p>	<p><u>Mitigation Measure A-5a</u>: (Civic Center Site) Schematic floor plans and design plans could be submitted for review and comment by staff of the City of Berkeley to ensure coordination with the new Public Safety Building, overall design goals for the Civic Center, and zoning provisions regarding height and bulk.</p> <p><u>Mitigation Measure A-5b</u>: (Hink's Garage Site) Schematic floor plans and design plans could be submitted for review and comment by staff of the City of Berkeley, Public Library, and School District to ensure coordination with library and high school retrofit/expansion projects, overall design goals for the Civic Center and Downtown, and zoning provisions regarding height and bulk.</p> <p><u>Mitigation Measure A-5c</u>: The main building height could be reduced through a reduction in individual floor-to-floor heights during design development, if it appears warranted and if it would not unduly compromise the function, aesthetics, or cost-effectiveness of the new courthouse building.</p>

Potential Environmental Impact	Recommended Mitigation Measure
Urban Design	
<p>B-1: Project development could substantially change the visual setting of the immediate vicinity, including local businesses, residences, and public facilities. (S)</p>	<p>B-1a: (Civic Center Site) One or more of the following measures could be implemented to address project-related design issues:</p> <ul style="list-style-type: none"> - Incorporate design elements familiar in the area, such as columns, medallions, sculpted forms, incised words, divided lite windows, arches, cornice lines, and other features that currently lend a civic presence and consistent character to the other buildings in the area. - Consider the design elements approved for the City's Public Safety Building in designing the overall plan and the exterior treatment for the new courthouse and parking garage. - Provide a suitable design for the rear of the new Courthouse building that will provide the sense of a "gateway" entry into the Civic Center in conjunction with the City's Public Safety Building to the immediate west. - Locate all service entries away from the intersection of Addison Street / MLK Way so that they are not visible to the majority of viewers. - Cooperate with the City in implementing the Center Street and Civic Center Park improvements, including sidewalk widening, street trees, lighting, and street furniture. This could be considered one aspect of the County's "2 percent for art" commitment, if implemented with an artistic design component. - Provide a suitable design for the parking garage that provides a transition between the older retail/apartment building at MLK Way / University Avenue, and the Civic Center area. Elements of the design could include appropriate height, division of the facade into horizontal and vertical elements, possible inclusion of window-type elements and rooflines/parapet/tower features that are reminiscent of the neighboring retail/apartment building on MLK Way, and ground-floor retail facing MLK Way.

Potential Environmental Impact	Recommended Mitigation Measure
<p><u>B-1 (continued)</u></p>	<p><u>B-1b:</u> (Hink's Garage Site) One or more of the following measures could be implemented to address project-related design issues:</p> <ul style="list-style-type: none"> - Incorporate design elements familiar in the area, such as columns, medallions, sculpted forms, incised words, divided lite windows, arches, cornice lines, and other features that currently lend a civic presence and consistent character to the other buildings in the area. - Prepare a detailed landscape plan for the plaza between the Courthouse and Public Library that would enhance the pedestrian environment and provide screening between the reading room windows and the new Courthouse. - Design the parking structure to be compatible with the apartments on Bancroft Way and the Berkeley High School gymnasium across Milvia Street.

Potential Environmental Impact	Recommended Mitigation Measure
Historic Resources	
<u>C-1:</u> There is the potential for discovering previously unknown archaeologic and historical resource materials during excavation for foundations, parking garages, or other purposes. (LS)	<u>C-1:</u> Excavation contractors should be alerted to the possibility of uncovering resources from prehistoric or historic periods of occupation, and should be provided with adequate information to be able to recognize potential resource materials. If any significant resources are uncovered, the requirements of CEQA Guidelines Appendix K should be complied with, which outline procedures for responding to archeological resource finds during construction.
<u>C-2:</u> Development of the project would result in the demolition of the Framat Lodge, a structure that has been included in a City of Berkeley survey of downtown structures as an “architecturally significant” building, and has been initiated for Landmark status by the City of Berkeley Landmark Preservation Commission. (SU)	<p><u>C-2a:</u> (Civic Center Site) Formal documentation of the Framat Lodge could be provided similar to that required for the Historic Architectural Building Survey (HABS), as a means of recording the important features of the building. A description of the building’s past uses and influence on the City’s development, if any, could also be prepared for future reference at BAHA, the LPC, or other appropriate depository; and a commemorative plaque could be placed in a prominent location to recall the historic use of the site.</p> <p><u>C-2b:</u> (Civic Center Site) Funding could be provided to assist in the restoration of other nearby historic structures deemed more significant than the Framat Lodge (e.g., Old City Hall, Veterans Memorial Building).</p> <p>(This impact would remain significant after applying these mitigation measures, and so it is considered significant and unavoidable.)</p>
<u>C-3:</u> The project would require acquisition and demolition of several older buildings on the site which are architecturally interesting, but are not likely candidates for City landmark status nor have they been identified as “architecturally significant.” (LS)	<u>C-3:</u> (Civic Center Site) Buildings at the project site could be offered for sale or free of charge, subject to the buyer moving the buildings at no cost or liability to the County.

Potential Environmental Impact	Recommended Mitigation Measure
<u>C-4</u> : The project would alter the setting of adjacent or nearby buildings that are on the National Register of Historic Places and/or on the City's list of "landmark" or "significant" buildings. (LS)	<u>C-4</u> : See Mitigation Measure B-1.
<u>C-5</u> : The project would introduce a large new courthouse and parking garage within an area that may be eligible for listing on the National Register of Historic Places as a historic district. (LS)	<u>C-5</u> : See Mitigation Measure C-4.

Potential Environmental Impact	Recommended Mitigation Measure
Geology and Hydrology	
<u>D-1</u> : During construction of the project, the soils at the site would temporarily be exposed to wind and water erosion, including internal gullyng and off-site siltation. (LS)	<u>D-1</u> : Site clearing, excavation, and construction of foundations and other underground construction will be performed under the review and supervision of qualified professionals. Measures will be taken to minimize the potential for erosion and cut slope failure, such as: conducting most site disturbance activity during the non-rainy season; covering or wetting bare earth surfaces that will not be built upon or landscaped within a reasonable period of time; controlling runoff from the site through the use of appropriate measures such as hay bales or silt fences; covering truck loads of soil, and sweeping streets in front of the site to clean up any spills; shoring excavations in conformance with OSHA standards.
<u>D-2</u> : The project would increase the relative number of persons exposed to seismically-induced hazards, particularly hazards posed by damage to the structures and interior facilities during ground shaking. (S)	<p><u>D-2a</u>: A structural engineer will be retained to participate in the project design and evaluate the final foundation and structural systems to ensure that the courthouse and parking structure are designed at a minimum to comply with the most current edition of the Uniform Building Code in effect at the time of design and construction, as well as appropriate professionally recognized standards of practice.</p> <p><u>D-2b</u>: To minimize hazards to building occupants from non-structural damage, heavy objects should be attached to secure walls and floors, and employees should be advised to place light, loose objects in a manner that would minimize their potential to move or overturn.</p> <p><u>D-2c</u>: The Courthouse will have adequate emergency egress lighting, signs, and operable doors/windows in the event of an emergency (earthquake, fire, etc.) and/or loss of power; emergency response equipment should be maintained on-site to address the most pressing hazards and injuries likely to occur with a major earthquake; and, an emergency preparedness and response plan should be implemented as part of the normal operations of the court facility.</p>

Potential Environmental Impact	Recommended Mitigation Measure
<u>D-3</u> : There is the potential for differential settlement of the project buildings as a result of soil compaction and seismic shaking, which could damage the buildings and contents. (LS)	<u>D-3</u> : Final structural loads and building design, and in-field soil and groundwater conditions will be reviewed by qualified professionals to verify that the assumptions used in the preliminary differential settlement analysis are accurate; any necessary modifications will be made by the architect/engineer and contractor under the direction of the County.

Potential Environmental Impact	Recommended Mitigation Measure
Transportation	
<p><u>E-1</u>: The project would result in a substantial increase in traffic volumes on local streets immediately adjacent to the project site, particularly on streets providing access to a new parking garage. At the Civic Center Site, this impact would occur on Addison Street between MLK Way and Milvia Street, primarily at the western end near MLK Way. At the Hink's Garage Site, this impact would occur on Bancroft Way between Milvia Street and Shattuck Avenue, and on Milvia Street between Center Street and Dwight Way. (S)</p>	<p><u>E-1a</u>: (Civic Center Site) With access to a parking garage on Addison Street near MLK Way, partial or full funding could be provided for the design and installation of a traffic signal at the intersection of MLK Way / Addison Street, including striping, signs, on-street parking restrictions, signal structures and controls, and interconnection with adjacent traffic signals, as appropriate.</p> <p><u>E-1b</u>: (Hink's Garage Site) None required.</p>
<p><u>E-2</u>: Project traffic would add a minor amount of traffic to three intersections that are currently operating at LOS E or F: University Avenue / Milvia Street, University Avenue / Shattuck Avenue, and Center Street / MLK Way. (LS)</p>	<p><u>E-2</u>: None required.</p>
<p><u>E-3</u>: Increased employment and use of the new courthouse will increase the peak courthouse parking demand from an estimated 186 spaces (current) to an estimated 348 spaces (future), an increase of 162 spaces. (S)</p>	<p><u>E-3a</u>: (Civic Center Site) Construction or participation in the development of a new garage with at least 170 new parking spaces would accommodate the net increased demand at the new Courthouse; 350 spaces would accommodate the total peak demand for parking.</p> <p><u>E-3b</u>: (Hink's Garage Site) Construction or participation in the development of at least 620 new parking spaces would accommodate the net increased demand and full replacement of existing public parking; 800 parking spaces (on-site or local) would accommodate the total peak demand and full replacement of existing public parking at the site. Some of this parking could be provided in cooperation with the City, BUSD, and others with similar parking needs.</p> <p><u>E-3c</u>: (Hink's Garage Site) Interim public parking solutions could be provided for the downtown area during project construction in order to provide for public parking demand at local businesses and the Post Office that now depend on the parking garage and lots located at the alternative project site.</p>

Potential Environmental Impact	Recommended Mitigation Measure
<p><u>E-4</u>: Relocation and expansion of the courthouse would increase vehicular and pedestrian activity in the project vicinity, which could exacerbate pedestrian / vehicle conflicts. At the Civic Center Site, this would occur along MLK Way, Addison Street, and Center Street; at the Hink's Garage Site this would occur along Milvia Street, Bancroft Way and Kittredge Street. (S)</p>	<p><u>E-4a</u>: (Civic Center Site) County participation in the design and implementation of the pedestrian improvements along Center Street between MLK Way and Milvia Street is anticipated. The courthouse and parking garage could be designed with pedestrian-scaled design elements along the street frontages, including windows, wall treatments, landscaping, lighting, and other elements in general conformance with the City of Berkeley design plans for the area.</p> <p><u>E-4b</u>: (Hink's Garage Site) The courthouse and parking garage could be designed with pedestrian-scaled design elements along the street frontages, including windows, wall treatments, landscaping, lighting, and other elements in general conformance with the City of Berkeley design plans for the area.</p>
<p><u>E-5</u>: Relocation and expansion of the courthouse would improve transit access and potentially increase transit ridership. At the Civic Center Site, this would occur by eliminating the need to cross MLK Way and maintaining the location on Center Street near the Berkeley BART station and bus lines; at the Hink's Garage Site this would occur by locating the project within the central downtown area near the Berkeley BART station and bus lines. (B)</p>	<p><u>E-5</u>: Transit use by employees, jurors, and visitors could be encouraged via employee education and parking cash-out programs, information in jury summons notices, information booths at the courthouse, and other available means in coordination with other County and City programs.</p>
<p><u>E-6</u>: The project would likely increase trips to the courthouse via bicycle. Increased non-vehicular trips are encouraged by City policy, but a lack of secure parking could result in a lost opportunity to achieve higher use of alternative modes of travel including bicycles. (LS)</p>	<p><u>E-6</u>: Showers, lockers, and secure parking facilities for employees who choose to ride bicycles to work could be provided. Secure bicycle parking spaces could also be provided for jurors and visitors.</p>
<p><u>E-7</u>: The estimated traffic volumes from the project and other planned and expected growth in the area could cause small increases in delay at the study intersections, with two intersections deteriorating by one LOS grade (Hink's Garage Site only). The service level changes would not exceed LOS D. (LS)</p>	<p><u>E-7</u>: None required.</p>

Potential Environmental Impact	Recommended Mitigation Measure
Noise	
<u>F-1</u> : The project would be located in an area exposed to an L_{dn} of about 65-68 dBA, which would be compatible with the proposed courthouse land use. (LS)	<u>F-1</u> : None required.
<u>F-2</u> : Traffic resulting from the project would cause an increase in noise levels of less than 1 dBA at roadways adjacent to the project sites. (LS)	<u>F-2</u> : None required.
<u>F-3</u> : Noise due to activity within the sallyport and parking garage areas could result in a significant impact on adjacent land uses, including the 20-unit apartment building, and the historical museum, homeless shelter and meeting rooms at the Veterans Memorial Building. (S)	<p><u>F-3a</u>: (Civic Center Site) A solid masonry or concrete wall could be constructed along the common property boundary between the project site and the adjacent apartment building and Veteran's Memorial building. The wall could be sufficiently high to block the line-of-sight from activities in the driveway and sally port to the second-story windows. Although a precise design of the soundwall is not possible until the project is further refined, it is likely that a soundwall approximately 10 feet high would be necessary in order to mitigate the noise.</p> <p><u>F-3b</u>: (Civic Center Site) The proposed parking garage at the Civic Center Site could be constructed with a solid masonry or concrete wall along the internal property lines adjacent to the office building on Addison Street and retail/apartment building on University Avenue/MLK Way.</p> <p><u>F-3c</u>: (Both Sites) The exterior facade facing the street could be designed with specific consideration to shield residential areas from the sound of vehicle tires and engines circulating through the garage. This could include minimizing the size of wall openings, constructing a low wall around each floor level, and providing baffling within the structure to reduce echo effects.</p>

Potential Environmental Impact	Recommended Mitigation Measure
<p>F-4: Noise generated during demolition and construction would substantially increase noise levels and exceed Berkeley Noise Ordinance limits at adjacent sensitive receptors. (SU)</p>	<p>F-4: A detailed noise attenuation plan should be adopted prior to undertaking demolition and construction activity. Measures could include one or more of the following:</p> <ul style="list-style-type: none"> - To the extent possible, schedule heavy demolition and construction work to coincide with the summer months when student populations and other activities tend to be lower; limit activity to the hours of 7 AM to 7 PM on weekdays only (excluding holidays), and the hours of 8 AM to 5 PM on holidays and weekends, and only if necessary to maintain the construction schedule. - Erect an 8-foot high plywood wall around the entire construction site of the new courthouse building and parking garage to shield pedestrians, ground floor land uses, and the park from noise and to enclose the area where compressors, pumps, and engines would be located. - Include special building sound insulation for sensitive receptors such as the Addison Street apartment building, Historical Museum, Public Safety Building, and offices near the proposed project site, and for the Public Library and Armstrong College near the alternative site. The most feasible treatment may be to erect a solid plywood barrier along the facade of the apartment building from the ground to the roof, or to shield windows with coverings, or to cover building facades with sound blankets. The details of any mitigation treatment would be subject to coordination and negotiation with the adjacent property owners. - Muffle and properly maintain all construction equipment. "Quiet package" equipment, e.g. compressors and generators, should be used to the greatest extent possible. - Locate stationary noise-generating construction equipment as far as possible from the nearby residences and adjacent commercial buildings and shielded where possible with temporary plywood barriers.

Potential Environmental Impact	Recommended Mitigation Measure
F-4: (continued)	<p>F-4: (continued)</p> <ul style="list-style-type: none"> - Additional special considerations may be required if piledriving is required. Piledriving should be coordinated with the adjacent sensitive receptors, including residences, the existing Courthouse, and commercial buildings, to determine the times of day when piledriving would have the least impact. Piledriving noise should also be minimized by pre-drilling holes to minimize the number of blows. - Designate a "noise disturbance coordinator" who would be responsible for responding to any complaints regarding construction noise. The coordinator would determine the cause of complaints and would coordinate with the construction team to implement reasonable measures warranted to correct the problem. The telephone number of the noise disturbance coordinator could be posted at the construction site and could be provided to neighbors in a notification letter. <p>(This impact would remain significant after applying these mitigation measures, and so it is considered significant and unavoidable.)</p>

Potential Environmental Impact	Recommended Mitigation Measure
Air Quality	
<p><u>G-1</u>: Construction activities such as demolition, excavation and grading operations, construction vehicle traffic, and wind blowing over exposed soil would generate exhaust emissions and fugitive particulate matter emissions that would affect local air quality. (S)</p>	<p><u>G-1a</u>: Demolition contracts could include the following requirements:</p> <ul style="list-style-type: none"> - Whenever possible, use dust-proof chutes for loading demolition and construction debris onto trucks or into containers. - Apply water to control dust during demolition of structures and break-up of pavement. - Cover the loads of all trucks removing debris from the site. - Prepare contingency plans to provide portable High Efficiency Particulate Air (HEPA) filter equipment to nearby sensitive receptors during demolition, if requested and warranted. <p><u>G-1b</u>: Construction contracts could include the following requirements:</p> <ul style="list-style-type: none"> - Water all active construction areas at least twice daily. - Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. - Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites. - Sweep daily (with water sweepers) local streets if visible soil material is carried onto adjacent public streets by construction vehicles. - Enclose, cover, and water twice daily or apply non-toxic soil binders to exposed stockpiles of dirt, sand, etc. - Install sandbags or other erosion control measures to prevent silt runoff to public roadways. - Replant vegetation in disturbed areas (such as the footprint of the existing courthouse) as quickly as possible. <p><u>G-1c</u>: Non-toxic and low-emission materials should be specified for use within the Courthouse to the extent feasible in order to minimize emissions of organic gases during construction, and after occupancy when “toxic-building” syndrome might become a concern.</p>

Potential Environmental Impact	Recommended Mitigation Measure
<u>G-2</u> : The project would have a minor affect on local air quality by changing local traffic patterns and increasing vehicle trips in the area. (LS)	<u>G-2</u> : None required.
<u>G-3</u> : The proposed parking garage would be a focal point for vehicle idling and travel, affecting interior air quality within the garage and outdoor air quality near the garage. (LS)	<u>G-3</u> : None required.
<u>G-4</u> : Project-based and cumulative traffic would have a minor effect on air quality outside the project vicinity. (LS)	<u>G-4</u> : None required for the project.

Potential Environmental Impact	Recommended Mitigation Measure
Hazardous Materials	
<u>H-1</u> : Demolition and clearing at the project site could result in exposure to hazardous materials in existing building materials, such as asbestos, lead-based paint, mercury vapors from fluorescent lights, and PCBs from fluorescent light ballasts. (S)	<u>H-1</u> : Existing buildings at the site would be surveyed prior to demolition to determine the presence and concentrations of hazardous materials such as asbestos, lead-based paint, mercury vapors in fluorescent light tubes, and PCBs in fluorescent light ballasts. Appropriate measures would be taken in response to the findings, including handling and disposal of the materials in compliance with federal, State and local regulations. Disposal would be performed by certified contractors utilizing the necessary engineering controls in accordance with the applicable regulatory standards. Proper abatement procedures would include methods to control the release of airborne materials such as: containment of abatement activity areas and wetting of the materials being abated; air sampling to monitor the airborne concentrations of asbestos or lead; personnel safety precautions; and proper disposal of any material removed. Hazardous waste workers and the public would be protected from possible exposure through preparation and implementation of required safety plans. The environment would be protected through disposal at regulated facilities designed to handle hazardous waste.
<u>H-2</u> : During demolition and construction at the project site, workers and the public could be exposed to soil, groundwater, and previously unidentified tanks containing hazardous wastes, which would impose restrictions on the handling and disposal of the materials and could result in airborne dust, vapors or direct contact with the contaminated material. (S)	<u>H-2</u> : Soil and groundwater excavations would be conducted under the supervision of appropriate professionals and inspectors. If evidence of contamination (e.g. odors, discolored soils, buried piping or tanks) is found, the extent of the contamination would be assessed through appropriate sampling and testing procedures. If additional investigation of hazardous materials in the soil and groundwater were required, the State Department of Toxic Substances Control would require a Preliminary Endangerment Assessment (PEA).
<u>H-3</u> : City reuse of the land on which the existing courthouse is located would require the demolition of the existing building, which could contain hazardous materials including asbestos, lead-based paint, fluorescent light ballasts and tubes. (S)	<u>H-3</u> : See Mitigation Measure H-2.

Chapter II - Project Description

Introduction

Alameda County ("County") proposes to construct and operate a new courthouse within the City of Berkeley ("City" or "Berkeley"). The project would involve site acquisition, relocation of commercial and/or residential tenants, demolition of existing structures, and the design, construction, and long-term operation of a new court facility to accommodate existing and expanded operations. The proposed project will consolidate the departments of the Berkeley / Albany Municipal Court ("BAMC" or "Court"), which are currently housed in numerous substandard facilities in the vicinity, into one location. It will also provide space for the integration of Superior Court functions into the local court system, pursuant to California Rule of Court. Overall, nine court departments would be housed in the facility, along with the Clerk of the Court, Public Defender, District Attorney, Sheriff, and other related uses. The current program is for 120,000 gross square feet housed within a four-story structure. A basement level would house the main holding facility and secure parking for court staff. A separate parking garage would be constructed to accommodate between 250 and 350 vehicles.

Project Background

Current Court Facilities

The Court currently has five departments. The Court operates out of four locations, totaling approximately 30,350 square feet of floor area in the City's downtown civic center. The existing courthouse, built in 1957, houses approximately 15,000 square feet of space in one building. Two criminal departments are located in this courthouse at the intersection of Martin Luther King Jr. Way ("MLK Way") and Center Street. The County owns the courthouse structure and leases the land from the City. This lease will expire at the end of year 2007. The City Police Department, Fire Department, and the Berkeley Unified School District ("BUSD") Administration Building (Old City Hall) share the same block, bounded by MLK Way, Addison Street, McKinley Street, and Allston Way. The BUSD leases its facility from the City.

Since the courthouse was built, caseload growth and mandated services and functions have dictated the need for increased Court space. The County, therefore, now leases approximately 15,000 square feet of additional space in a professional office building with entrances on Center and Milvia Streets in downtown Berkeley. Two departments, civil and small claims, occupy space in the office building at 2000 Center Street. The traffic court and other services are located at 2175 Milvia Street, within the same building. Accounting functions are housed at a fourth facility, at 2070 MLK Way, in approximately 850 square feet.

Need for a new Courthouse

In 1987 the Judicial Council of California ("Council") conducted a space management analysis of the buildings occupied by the Court. The Council identified problems in managing space, locating services and providing security. Specifically, the Council found that: courtrooms had insufficient space to accommodate proceedings and necessary participants; the judges had insufficient private work space to conduct research and to meet with court personnel, attorneys, and litigants; the Court had insufficient and inefficiently designed library space; the

Clerk of Court had insufficient and inadequately designed space for needed staffing in criminal, traffic and accounting divisions; the Clerk of Court had insufficient space for storage of files and records; the number of locations reduces the Clerk of Court's ability to manage operations, workflow and staff efficiently and effectively; the Court's holding cells have insufficient space to accommodate the average number of criminal defendants detained for hearings; the Court has no witness waiting rooms or attorney-client conference areas; and, the Court has inadequate accessibility for the physically disabled.

The Council recommended that the Court begin discussions with appropriate County officials to develop a plan for the construction of a new courthouse or the leasing of a larger facility which will meet the minimum space standards outlined in the report and locate all courtrooms and offices in one location. Although some of the BAMC facilities have changed location or been remodeled since the Council conducted its evaluation, the Council's findings remain valid today.

Other needs that would be addressed in the new building include adequate jury assembly and jury deliberation space, efficient staffing for security and detainee handling, courtroom safety, efficient communication between departments, adequate parking for staff and visitors without impinging on neighboring residential areas, and convenient access to transit. Related services, such as Own Recognizance, Courts Project, and others also place a burden on the existing facilities and could be better accommodated in a new facility.

Since the Council's report in 1987, the County has been pursuing a development program and site selection process to respond to the need for a new courthouse in Berkeley. The City of Berkeley has also assisted in the selection of the preferred site.

Siting Needs of the Court

The County formed a Courthouse Siting Subcommittee and solicited comments from potentially affected parties, including various City departments, the BUSD, and the general public. The following siting factors were established for evaluating potential sites:

- Adequate to house the entire project (building footprint, open space, and parking) comfortably;
- Readily accessible by employees and visitors from public transportation, including AC Transit and the Bay Area Rapid Transit District ("BART");
- Accessible by vehicle on major highways and city streets;
- Have adjacent properties with long-term compatible uses, such as office, retail, or institutional uses;
- Incorporate design features to reduce any incompatibilities;
- Offer the opportunity for possible future long-term expansion needs;
- Offer adequate street width and orientation to ensure safe and secure access for the Sheriff's bus;
- Accommodate parking for Sheriff's vehicles, court staff and visitors;
- Reflect consideration of long-term downtown parking needs, and minimize parking displacement to the extent practicable;
- Physical condition (i.e. steep slope, high groundwater, proximity to earthquake faults) should not increase construction costs significantly or impair full use of the selected location; and,
- Allow development in substantial conformance with applicable zoning restrictions (i.e. height, setbacks, floor area ratios) and generally be consistent with local community planning goals for the site and area (i.e. existing and allowed land uses).

Site Selection Criteria

The County also developed a more detailed decision-making matrix, adding the following items for consideration:

- Reflect consideration and sensitivity to local traffic conditions, including average daily trips, peak hour trips, and intersection loading;

- Offer flexibility for future building modifications;
- Include examination of lost development opportunities resulting from project construction;
- Evaluate the project's potential to displace existing uses and minimize displacement to the extent feasible;
- Consider property availability, and the future use of the existing courthouse site if it is vacated; and,
- Include general assessment of the total project costs, including acquisition, development, maintenance, and parking.

Site Selection Process

Since 1988, the County has conducted a thorough site selection and conceptual courthouse design process. This process has included extensive coordination with other agencies and interested parties. The process began with a list of 24 potentially eligible sites. Following public meetings and through a series of discussions with local officials, judges, and various agencies, the County Courthouse Siting Committee applied the siting parameters described above to narrow the initial list of 24 possible sites, first to eight sites and then to five sites worthy of further study.

The County then held additional discussions with potentially affected users, groups and agencies. After considering this input and studying the five sites and siting parameters in greater depth, the County recommended a rank ordered list of sites. The site referred to as the "Hink's Parking Lot," which included several other neighboring parcels with a variety of low-intensity uses, was ranked number one.

City staff also rated potential sites and provided these ratings to the County. The City rated sites as most desirable, acceptable, possible, and unacceptable. The Hink's site was the only site to receive a "most desirable" rating from the City. Based on this selection process, the Hink's site became the preferred site for the proposed project, and the County began pursuing more detailed planning and development concepts for that site.

More recently, however, the City has reconsidered its designation of a preferred site, and has expressed a strong preference for the County to implement a key part of the draft Civic Center Urban Design Plan (CCUDP) by developing the new Berkeley Courthouse at the Civic Center site that is now being proposed for the project. The CCUDP attempts to set a direction for a variety of public projects currently underway or in the planning stages, such as the City's new Public Safety Building, retrofit of the Civic Center Building, continued use of the Old City Hall, expansion of the Berkeley Main Public Library, renovations and expansion at the Berkeley High School Main Campus, and maintenance of other public services such as Berkeley/Oakland Social Services (BOSS) and the Veteran's Memorial Building homeless shelter. The County has agreed to pursue the project at this new location due to several factors, including the proximity to the new Public Safety Building (PSB) and other civic uses. One benefit is the potential for an underground tunnel to connect the PSB and Courthouse, minimizing security risks and vehicle trips for prisoner transfer and regular staff interaction between these two uses.

In 1995, the Council adopted California Rule of Court 991 (CRC 991), which governs Court operations. CRC 991 requires the coordination of trial courts within a county through a series of steps, including the consolidation of administrative functions, the cross-assignment of judicial officers, and other means of increasing the efficiency of Municipal and Superior Courts through consolidation. Alameda County has six municipal court districts, three of which have already agreed to administrative consolidation. All judges within Alameda County have been cross-assigned. Cross-assignment allows Municipal Court judges to hear Superior Court cases and Superior Court judges to hear Municipal Court cases. Due to these on-going changes in the way courts operate and increasing caseload, it is appropriate to provide a facility that meets not only existing, but anticipated future needs. In 1995, the Berkeley-Albany Municipal Courthouse and Alameda County Superior Court executed a Memorandum of Understanding to consolidate their administrative functions. The development of a new courthouse in the City of Berkeley which will house Superior Court departments will facilitate coordination of judicial resources.

In 1996, the Judicial Council Court Profiles Advisory Committee recommended that the Alameda County Superior Court receive two additional judgeships. While it is not certain that these judgeships will be approved, and since there is no acceptable vacant court space in Alameda County, the County considers it reasonable in the planning of a new Court facility to provide for additional court rooms. There are also occasional needs for additional court space for cases that require a change on venue, or for complex trials with many participants.

Project Programming and Design

Architectural Program

The Berkeley Courthouse project has been the subject of a detailed programming study, the goals of which were: to define the courts' functional and facility requirements for the foreseeable future, and to provide the features of a modern judicial facility for court operations. The new building will modernize and consolidate court operations and include many features missing in the existing court buildings. These features are outlined in the May 1996 program, and include:

- Appropriately sized functional areas
- Four additional courtrooms
- Secure parking
- Comprehensive courthouse security plan and building envelope
- Secure circulation
- Modern and secure prisoner transfer and holding
- Additional jury rooms and conference areas
- Attorney/client conference rooms
- Specialized courtrooms for complex litigation
- State-of-the-art automation systems in the courtrooms and administrative and clerks' areas
- Facilities for consolidated administration and clerks' areas
- An energy efficient, seismically safe, fully accessible building
- Children's waiting facilities for jurors, witnesses, and others.

The four additional courtrooms are intended to address the needs of the courts county-wide to meet increased case loads, to coordinate Municipal and Superior Courts, and maintain and improve local access and services. Under the California Rule of Court 991, adopted by the Judicial Council of California in 1995, counties are instructed to undertake specific steps toward administrative consolidation and judicial coordination.

The program for the Courthouse project is based on a projection of shifting needs and accommodation of future needs. Providing one centralized location for a variety of court-related services also will enhance accessibility for the local community, improve efficiency, allow greater utilization, and generally benefit all court service users. These additional space demands on the program have been addressed in a comprehensive survey and report completed in 1996 by Ross & Drulis, Architects and Planners, in consultation with the affected County departments. The May 1996 program document forms the basis of the analysis in this EIR.

A side benefit of the project will be to vacate the building on leased City land, which will clear the way for a new Public Safety Building and other uses planned by the City. The existing courthouse is not considered compatible as a long-term neighbor based on the City's plans for the site of the PSB, and it has clearly outlasted its useful life 40 years after it was constructed.

Architectural Design

The new Berkeley Courthouse will be designed to be a major civic building within the urban context of downtown Berkeley. On both sites being considered, the new courthouse will be designed to express the tradition and dignity of the law. The overall design will be “timeless” and not an expression of the latest architectural trend or design philosophy.

At the Civic Center Site, the courthouse would have a significant presence on Center Street, Martin Luther King Jr. Way, and Addison Street. At this site, the building would be designed as a part of the ensemble of civic buildings facing the Civic Center Park. The Civic Center site offers the opportunity to anchor the northwest corner of the Civic Center with an elegant judicial building and to create a “gateway” into the area in conjunction with the new Public Safety Building.

At the Hink’s Garage Site, the courthouse would be oriented toward Kittredge Street and would be appropriately scaled to be a significant contributory building with the surrounding urban environment, which includes numerous other substantial public buildings.

At both sites the main public entry would be through a single secure entry point. The courts’ major entry will provide an opportunity for the public to approach and enter into a civic lobby of appropriate scale. This public lobby would provide access to the public use-intensive sections of the court, within the context of the security envelope necessary for a building of this type. The materials in the interior public spaces will complement the exterior and have similar qualities of “timelessness.”

Exterior Design

The scale, architecture and materials of the building will be appropriate for a major civic building that will be in use well into the 21st century. The use of handsome durable materials will be essential for the design and contextual harmony of the building. Although the design is yet to be determined, the intent is for the building exterior to be constructed of materials which are similar in color and texture with the existing classical buildings in the area. The scale and detailing of the new courthouse also will be consistent with the existing classical buildings in the area. The materials should be balanced and consider image, permanence, durability, context, and exterior constructability. The use of natural stone is considered an appropriate option.

Interior Design

The new courthouse will be designed for flexible space use. For example, it is possible to design the column spacing and bay widths to allow eventual conversion of the second floor office space into courtrooms, although the need for this is not anticipated at this time. The non-courtroom spaces of the building will include modern office and public space for the building. The building will be fully air conditioned and designed with materials mindful of environmental health. The selection of building systems and the interior materials and finishes also will consider working comfort and sustainability. Building systems and lighting will be designed for energy conservation. Materials and finishes within the building will express the dignity of the building function and be designed for durability and pleasing aesthetics.

Project Location

Proposed Project

The proposed site for the new Berkeley Courthouse project is a rectangular portion of a city block north of the Civic Center Park in downtown Berkeley, encompassing 0.9 acres on four parcels of land, bounded by Martin Luther King Jr. Way, Center Street, and Addison Street. The properties are currently privately owned, developed with a 16-unit apartment building, PG&E customer service center, language school, and former seminary (now a vacant office building). This site (Assessor's Parcel Numbers: 057-2022-008, 009-2, 010, 019-4) would be developed with the main courthouse building. A second set of parcels would be acquired north of Addison Street to build a new parking garage for the courts. That site includes three properties (APN: 057-2024-011, 012, 013) totaling 0.6 acres, occupied by a tire store, offices, and a 12-unit apartment building. *Table II-1* lists these properties. *Figures II-1 through 6* illustrate the site area and conceptual plans for the project. *Figure II-7* illustrates the project site parcels and adjacent land uses.

In all, the proposed project would require acquiring 1.5 acres of land and buildings, relocating tenants, and demolishing existing buildings in order to clear the way for a new court facility and parking garage. The County will comply with applicable state and federal laws regarding property acquisition, condemnation, and relocation. The County has also provided funding to a private developer to assist in the development of new housing in an approved project along University Avenue. That project includes a total of 34 housing units, of which 26 could be counted toward replacing the apartments at the project site. The County's participation in that project is voluntary, and is intended to satisfy the City's standard requirement that any development that displaces housing should replace it in kind in the same general vicinity, unless certain hardship findings are made. The County may be able to offer tenants that would be relocated by the Courthouse project first choice in that new housing. No site acquisition or detailed design for the new courthouse building has occurred, pending the completion of environmental review.

Neighboring Development. The project site is located within a highly urbanized setting that has developed over the past 50 to 75 years with increasingly dense structures and activity. The civic center area itself was consolidated in the 1940's around the park, with City Hall to the west, the Federal Land Bank (Civic Center Building) to the east, Berkeley Community Theater and High School to the south, and the Veteran's Memorial Building and Farm Credit Building to the north. The proposed project site represents the last group of parcels which have not been assembled and developed for civic or intensive office use.

The project site is neighbored by the Veterans Memorial Building immediately to the east on Center Street, and a 20-unit apartment building to the east on Addison Street. The apartment building has no off-street parking and limited open space in a rear yard area. Impacts to this structure are described in the various topical chapters of this report. The proposed site for a County parking garage on the north side of Addison Street is located adjacent to the Promenade office building, a three-story structure constructed around 1990 which includes underground parking, and a mixed-use apartment/retail building which faces onto MLK Way and University Avenue.

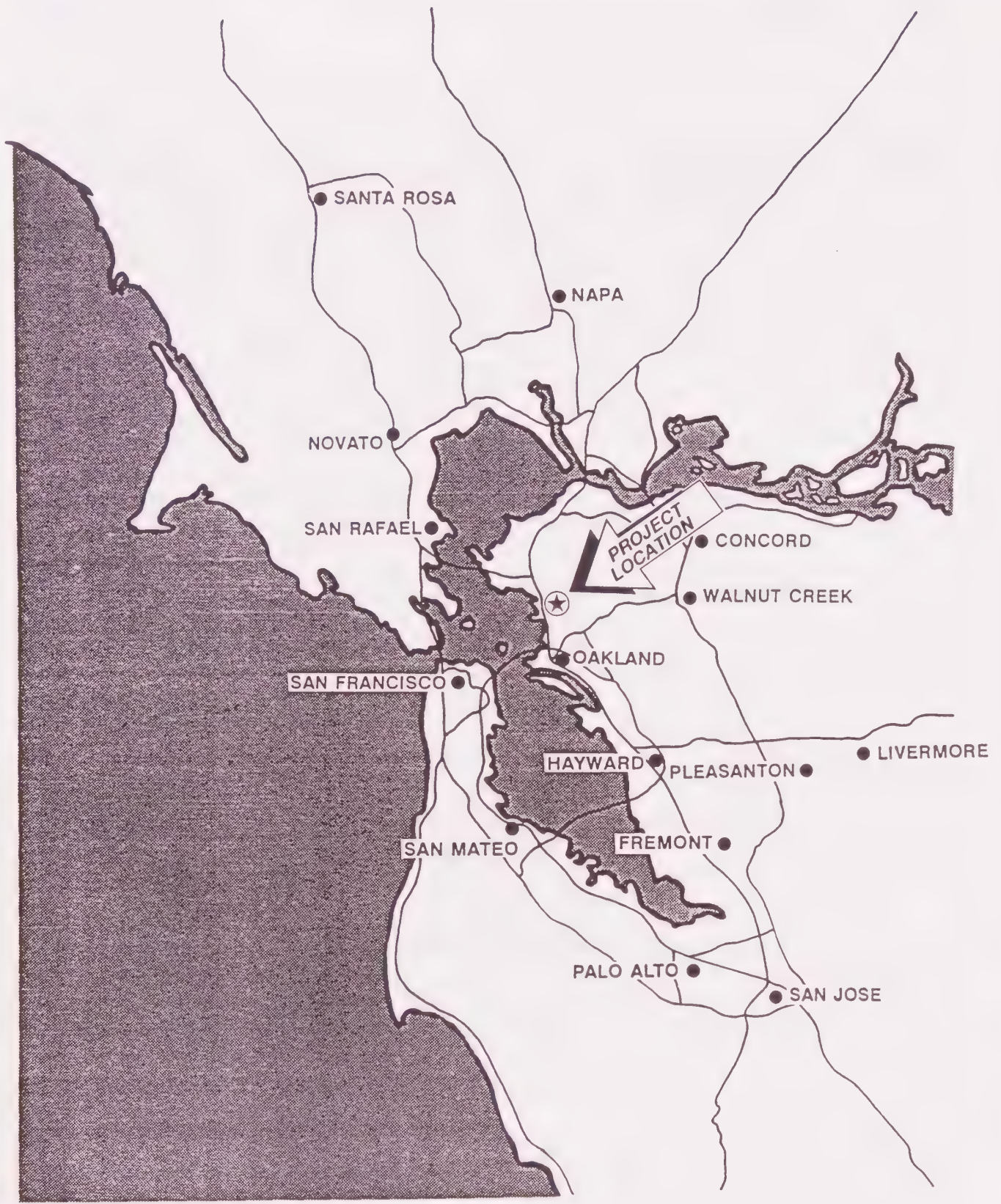
The City of Berkeley is currently in the process of designing and evaluating a new Public Safety Building (PSB) to be constructed on City property across MLK Way from the proposed Courthouse, between Center Street and Addison Street. That facility would replace existing police and fire facilities located on the same block facing McKinley Avenue. The PSB site is currently occupied by a surface parking lot and an office building used by BOSS and related service agencies. The existing Berkeley Courthouse is also located on that block, but would be demolished following construction of the new Courthouse facility.

**Table II-1
PROJECT SITE PARCEL CHARACTERISTICS***

Map #	Street Address	Assessor's Parcel Number	Current Use	Parcel Size	Building Size
New Courthouse Building					
1	1907 Center	057-2022-008	16 studio apartments. No off-street parking is provided.	6,200 sq. ft.	8,700 sq. ft., on two stories.
2	1903 Center	057-2022-010	PG&E Customer Service Center. Parking is provided for about 20 employees and visitors.	12,500 sq. ft.	7,000 sq. ft., on one level.
3	2105 Martin Luther King Jr.	057-2022-009-02	American Language Academy. Parking for about 12 vehicles is provided.	10,300 sq. ft.	6,500 sq. ft., on two stories.
4	1906 Addison	057-2022-019-04	Vacant office building (formerly the Institute for Buddhist Studies, and School of Professional Psychology) Parking for about 12 vehicles is provided.	10,000 sq. ft.	15,000 sq. ft., on three stories.
SUB-TOTAL			Approx. 50 parking spaces for on-site uses only (no parking for non-patrons).	39,000 sq. ft. of land area	37,200 sq. ft. of building area
New Parking Garage					
5	2099 Martin Luther King Jr.	057-2024-013	Goodyear Tire Center. Parking is provided for about 20 employees and visitors.	12,000 sq. ft.	300 sq. ft., on one level.
6	1911 Addison	057-2024-012	Offices (AJOB). Parking is provided for about 10 employees and visitors.	6,750 sq. ft.	3,500 sq. ft., on two stories.
7	1915 Addison	057-2024-011	Law Offices, and 12 apartments. Parking is provided for about 3 employees/residents or visitors.	6,750 sq. ft.	4,500 sq. ft., on two stories.
SUB-TOTAL			Approx. 35 parking spaces for on-site uses only (no parking for non-patrons).	25,500 sq. ft. of land area	8,300 sq. ft. of building area
TOTAL				64,500 sq. ft. of land area	45,400 sq. ft. of building area, including 28 apartments.

* Note: All size information is approximate, based on assessor's data and other sources.

See Figure II-7 for parcel locations.



REGIONAL LOCATION

FIGURE: II-1



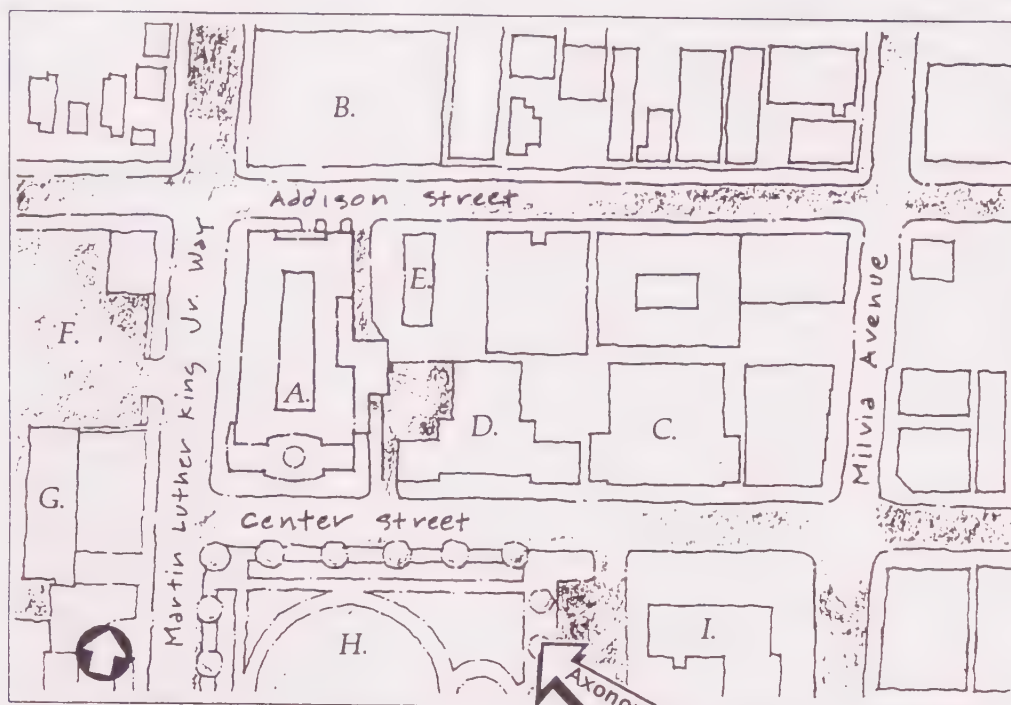


BASE MAP: Thomas Bros. Maps

SITE LOCATION

FIGURE: II-2

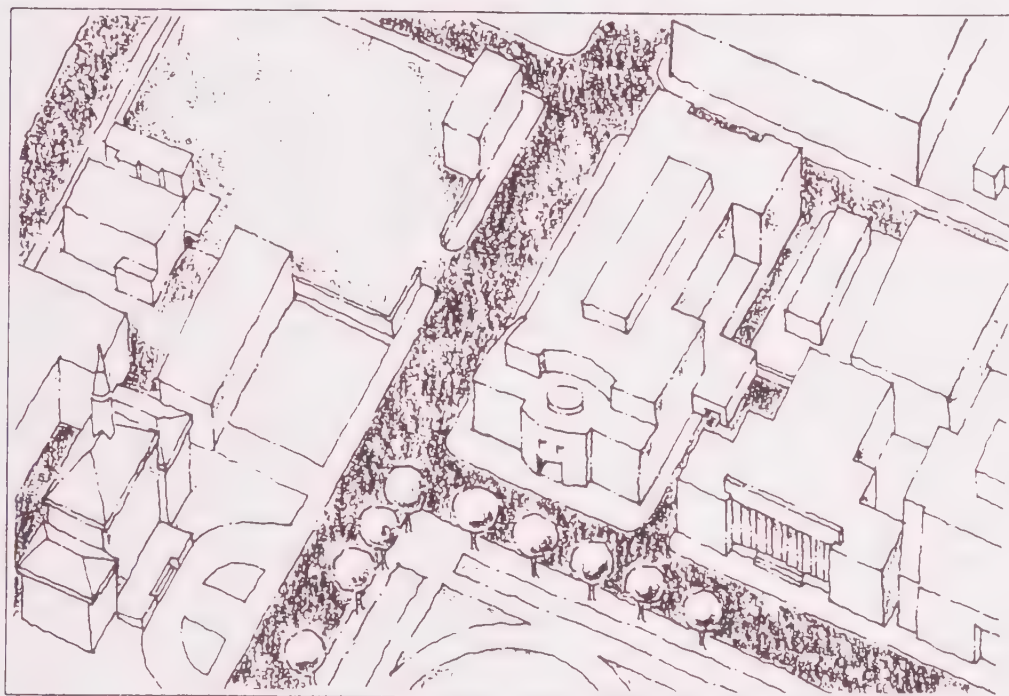




Source: RDA / Berkeley Planning Department

Scale: NTS

- A. Proposed Courthouse
- B. Proposed Parking Garage
- C. Office
- D. Veterans Memorial Building
- E. Apartments
- F. Parking Lot (Proposed PSB)
- G. Existing Courthouse
- H. Civic Center Park
- I. Civic Center Building



Axonometric View

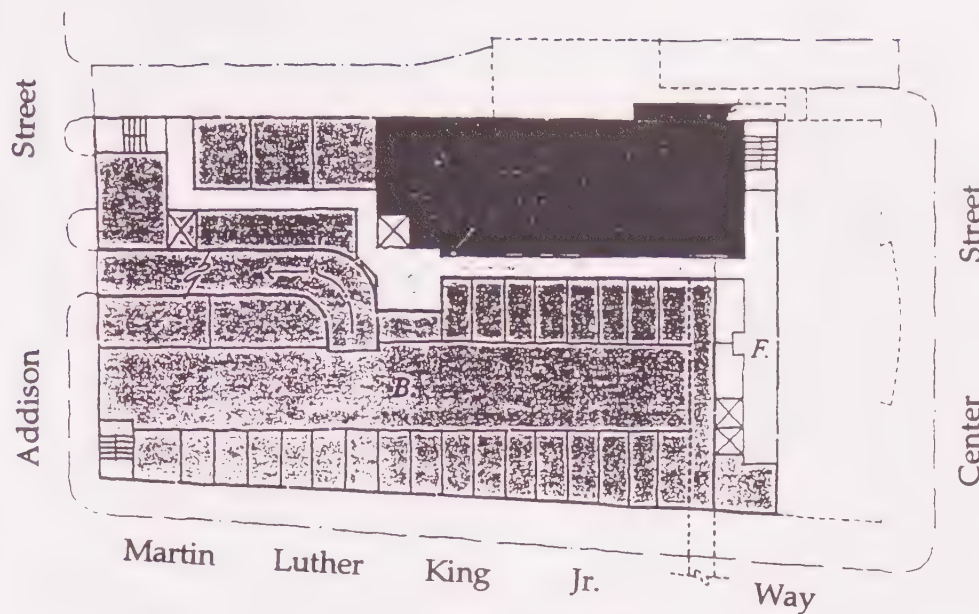
Scale: NTS

SOURCE: Michael Ross - Charles Drulis Architects and Planners

CIVIC CENTER SITE PLAN

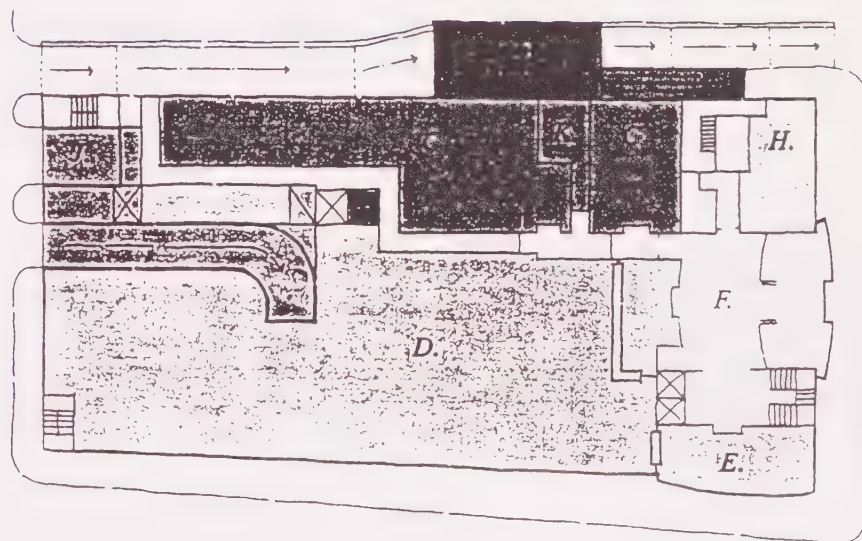
FIGURE: II-3

(CONCEPTUAL)



Lower Level Plan

- A. Sheriff/Main Holding
- B. Secure Parking
- C. Jury Assembly
- D. Clerk/Administration
- E. Document Viewing
- F. Public Lobby
- G. Non-Jury Court
- H. Childcare Facility
- I. Sally Port/Ramp
- J. Loading Dock
- K. Chambers



First Floor Plan

- Clerical/Support
- Courtrooms and Judicial Functions
- Parking/Service
- Secure Circulation/ Sheriff
- Restricted Circulation
- Public Circulation

SOURCE: Michael Ross - Charles Drulis Architects and Planners

CIVIC CENTER SITE FLOOR PLANS

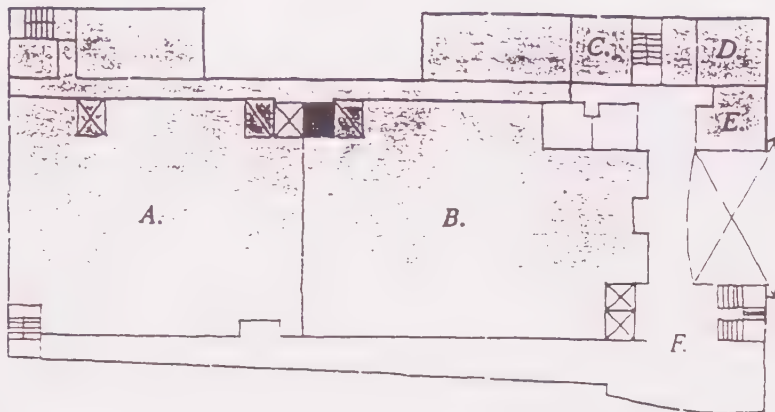
FIGURE: II-4

(CONCEPTUAL)

BERKELEY COURTHOUSE EIR
Alameda County Planning Department, 1997

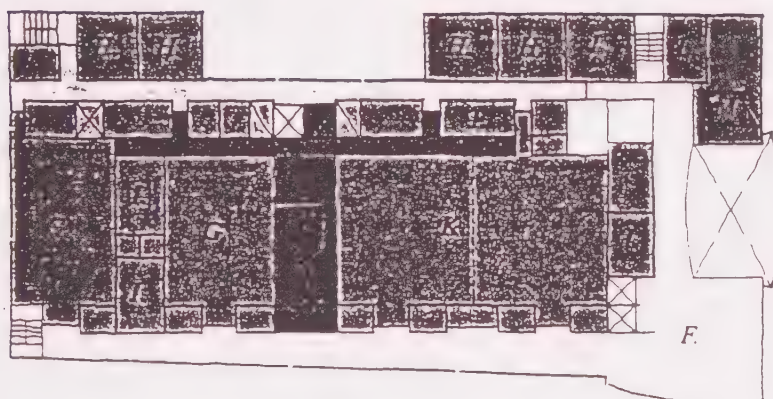


0 16 32 64 128
Scale in Feet



Second Floor Plan

- A. District Attorney
- B. Public Defender
- C. Courts Project
- D. Training
- E. O.R.U.
- F. Public Lobby
- G. Courtroom
- H. Chamber
- I. Jury
- J. Holding
- K. Mega Court
- L. Hearing Room
- M. Judges' Meeting Rm.



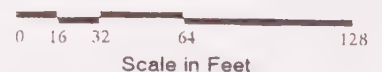
Third Floor Plan

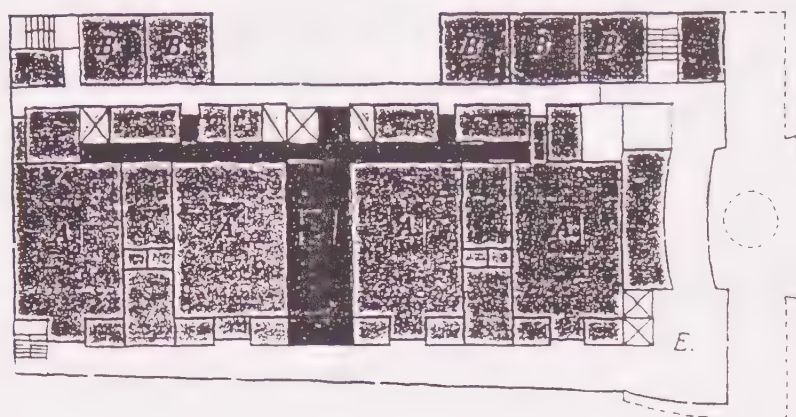
- Clerical/Support
- Courtrooms and Judicial Functions
- Parking/Service
- Secure Circulation/ Sheriff
- Restricted Circulation
- Public Circulation

SOURCE: Michael Ross - Charles Drulis Architects and Planners

CIVIC CENTER SITE FLOOR PLANS (CONCEPTUAL)







FIGURE: II-5





- A. Courtroom
- B. Chamber
- C. Jury
- D. Holding
- E. Public Lobby

Fourth Level Floor Plan

-  Clerical/Support
-  Courtrooms and Judicial Functions
-  Parking/Service
-  Secure Circulation/ Sheriff
-  Restricted Circulation
-  Public Circulation

SOURCE: Michael Ross - Charles Drulis Architects and Planners

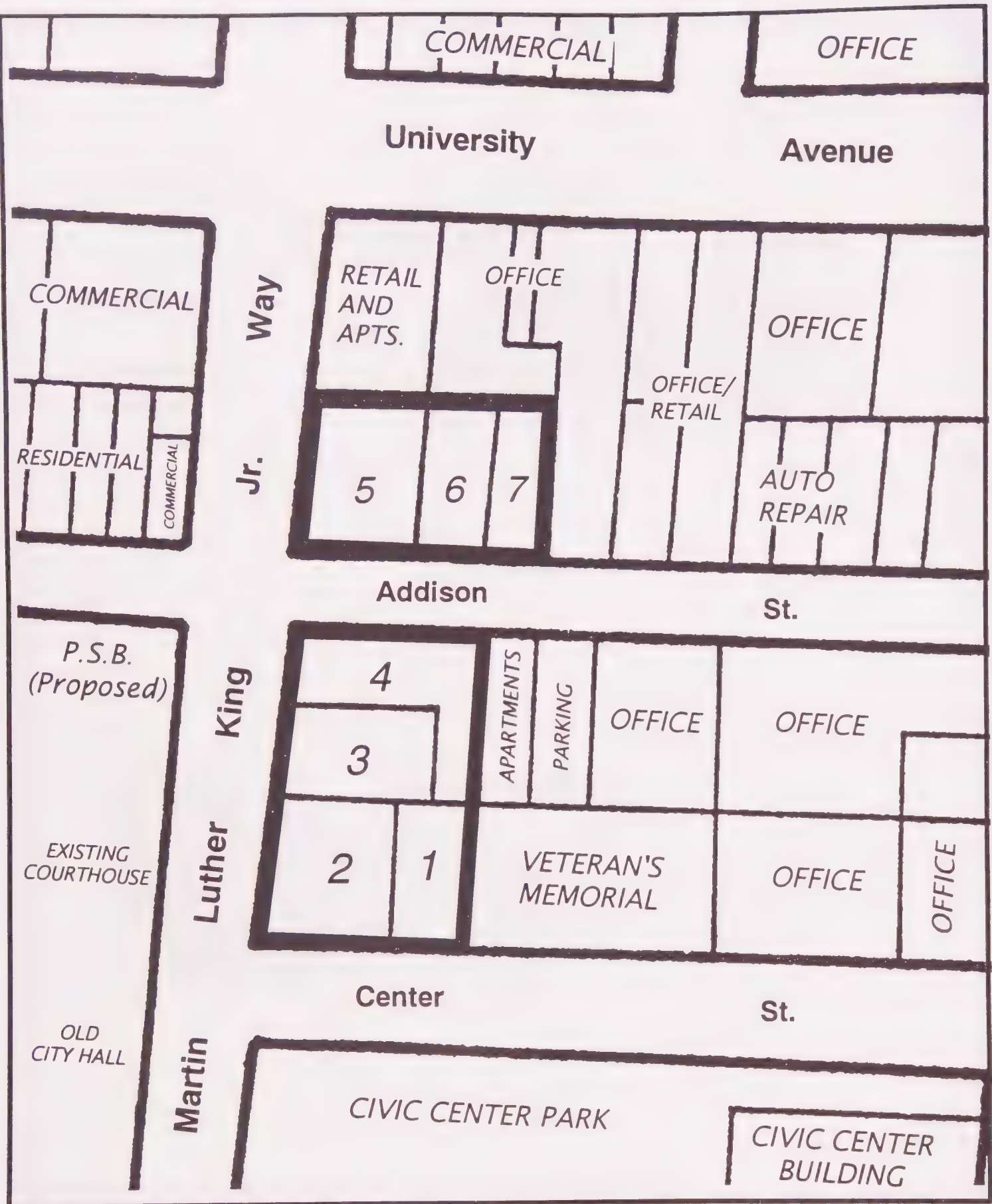
CIVIC CENTER SITE FLOOR PLANS (CONCEPTUAL)

FIGURE: II-6

BERKELEY COURTHOUSE EIR
Alameda County Planning Department, 1997



0 16 32 64 128
Scale in Feet



PROJECT SITE AND NEIGHBORING LAND USES

FIGURE: II-7

(See Table II-1 for parcel information)



Zoning. The project site is zoned for general commercial use (C-2), which carries a height limitation of 100 feet (nine stories) and a floor-area ratio (FAR) of 6:1, subject to securing a use permit. The site is identified in the Downtown Plan area as being within the West Buffer land use area, which is a transition zone between the commercial core along Shattuck Avenue and the residential area west of downtown. The Downtown Plan recommends amendments to the zoning code to modify the height limit in several areas, including a reduction in the West buffer area to a maximum of 40 feet (three stories) and an FAR of 3:1, with an optional bonus for residential development to go up to 60 feet (five stories) and an FAR of 4:1. One-hundred percent lot coverage is allowed, although setbacks and reduced lot coverage is suggested for upper stories. Land use regulations are discussed in more detail in Chapter III.A. of this EIR.

The County is not subject to City planning, zoning, and building laws on projects it develops within the City on County-owned land. However, the County is sensitive to the various plans and regulations of the City and has considered those requirements in developing the proposed project concept. The County believes that an important over-riding consideration is the implementation of the draft Civic Center Urban Design Plan, which was used to guide the selection of the project site and the design concept. The City's various codes are discussed at some length in the various topical sections of this EIR to illustrate where the project would or would not conform. This information is intended to provide full disclosure to reviewers and decision-makers, but is not intended to represent an endorsement that the project will be subject to City plans or codes, nor to discretionary review.

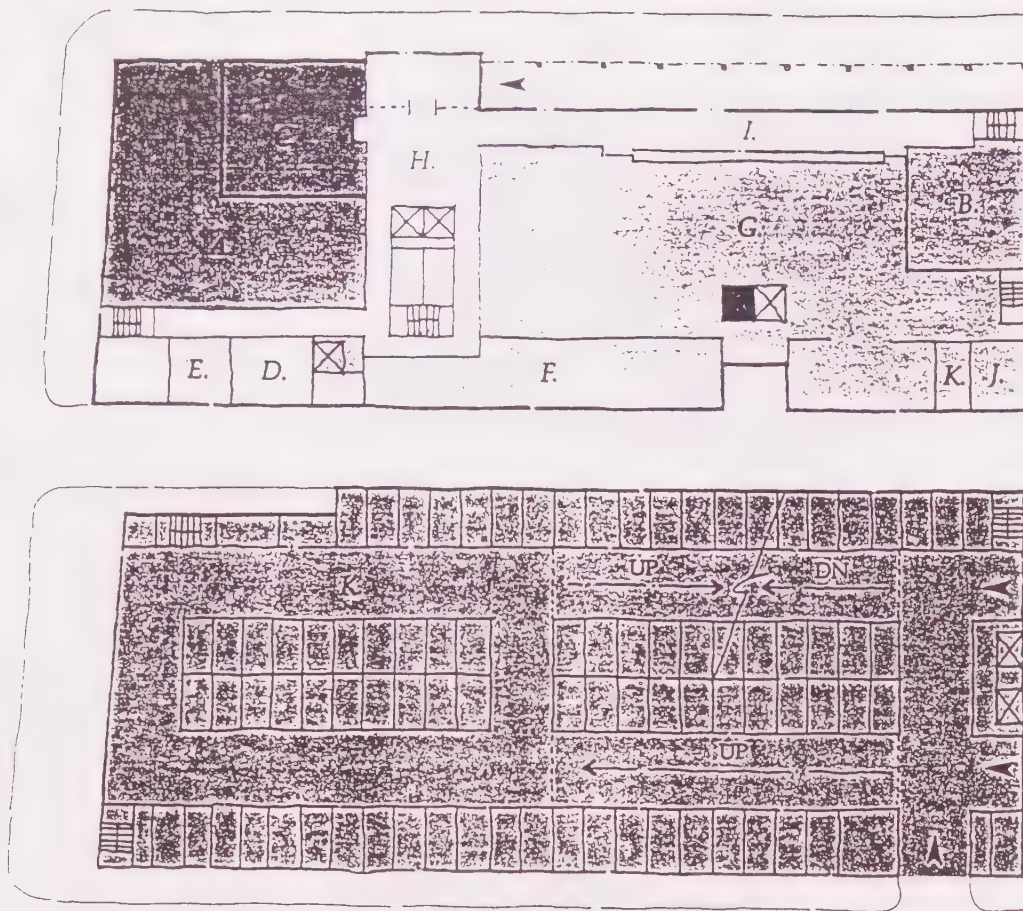
Alternative Project

The alternative site for the new Berkeley Courthouse encompasses six parcels (APN: 057-2028-005, 10, 11, 12, 13, and 14-1) totaling approximately 99,500 square feet, or 2.3 acres. The street addresses for the six parcels are: 2020 Kittredge Street, 2000 Kittredge Street, 2235-2237 Milvia Street, 2001 Bancroft Way, 2005 Bancroft Way, and 2031 Bancroft Way. Each of these parcels and the improvements thereon are privately owned, and would be acquired by the County prior to final project design, construction and operation. The site has a gentle down slope to the west, from an elevation of about 175 feet above sea level on the eastern boundary to about 160 feet along Milvia Street. *Table II-2* lists these properties. *Figures II-8 through 12* illustrate the site plan and floor plans for the alternative site. *Figure II-13* shows the project parcels and adjacent land uses.

The largest parcel within the alternative site's boundaries is occupied by the two-level Berkeley Center (formerly Hink's) parking garage. Located at 2020 Kittredge Street, the garage is about one and one-half stories tall. The street level of parking is partially below grade on the uphill (eastern) side, and slightly above grade at the downhill (western) side. A second level of uncovered parking is accessed by a central pair of ramps. The parcel encompasses approximately 57,500 square feet of lot area, or about 115,000 square feet of parking surface area. The garage gets primary access from Kittredge, but has extensive frontage on Bancroft Way and has an exit there for use by monthly parkers. The garage contains about 375 parking spaces, but can hold up to about 450 vehicles if double-parked with valet service. The garage is used by the general public to park while working or shopping in downtown Berkeley. In the evening and on weekends, the site is the parking lot of choice for visitors to the local theaters and restaurants.







A small auto repair shop (YAS Auto Repair) is located at 2000 Kittredge Street at the intersection with Milvia Street. It includes a five-bay repair shop and office building enclosing about 2,000 square feet. The remainder of the 11,200 square foot parcel is paved for surface parking of vehicles being serviced by the garage. Once a gas station, the site has undergone remediation, but there may be some additional clean-up effort required.

A restaurant building is located at 2035 Milvia Street in the middle of the block on Milvia Street. Currently occupied by a restaurant, it is one story tall and encloses about 750 square feet. A small patio is located in the rear of the restaurant. The building sits at the front property line of the 2,500 square-foot parcel.



- A. Jury Assembly
- B. Child Care
- C. Traffic Court
- D. Vending
- E. Courts Project
- F. Administrator
- G. Clerk of the Court
- H. Public Lobby
- I. Public Queuing
- J. Break Room
- K. Public Parking

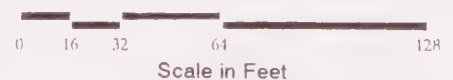
First Floor Plan

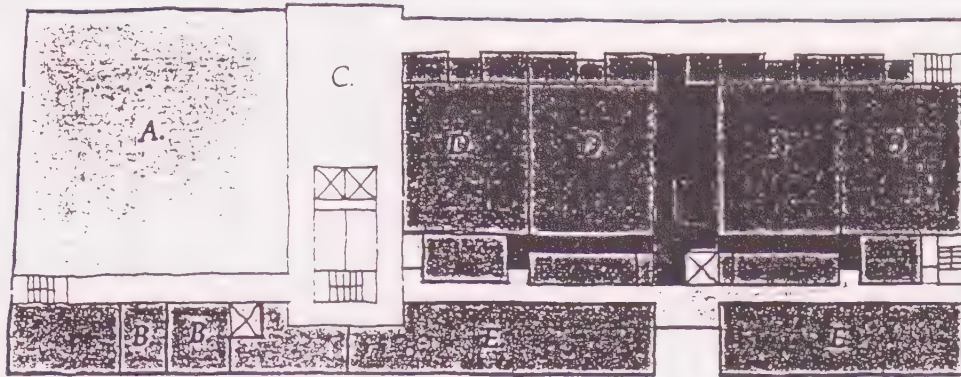
-  Clerical/Support
-  Courtrooms and Judicial Functions
-  Parking/Service
-  Secure Circulation/ Sheriff
-  Restricted Circulation
-  Public Circulation

SOURCE: Michael Ross - Charles Drulis Architects and Planners

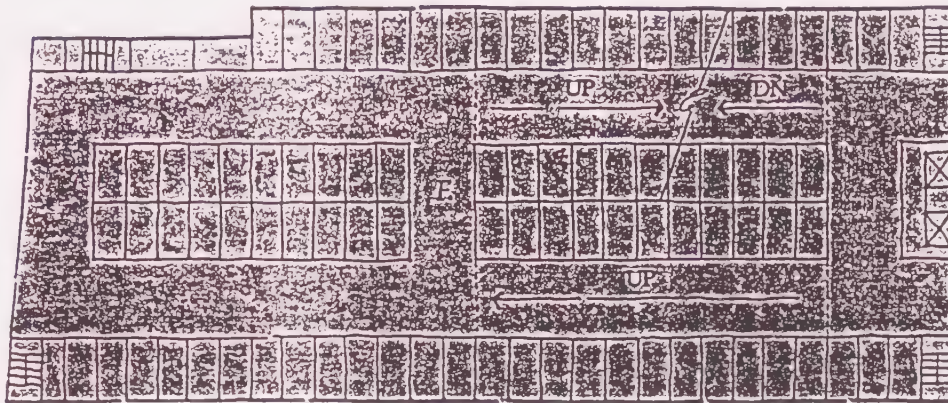
HINK'S SITE FLOOR PLANS (CONCEPTUAL)

FIGURE: II-10











- A. Public Defender
- B. Hearing Room
- C. Public Lobby
- D. Courtroom
- E. Chambers/Jury
- F. Public Parking
- G. Holding Cells



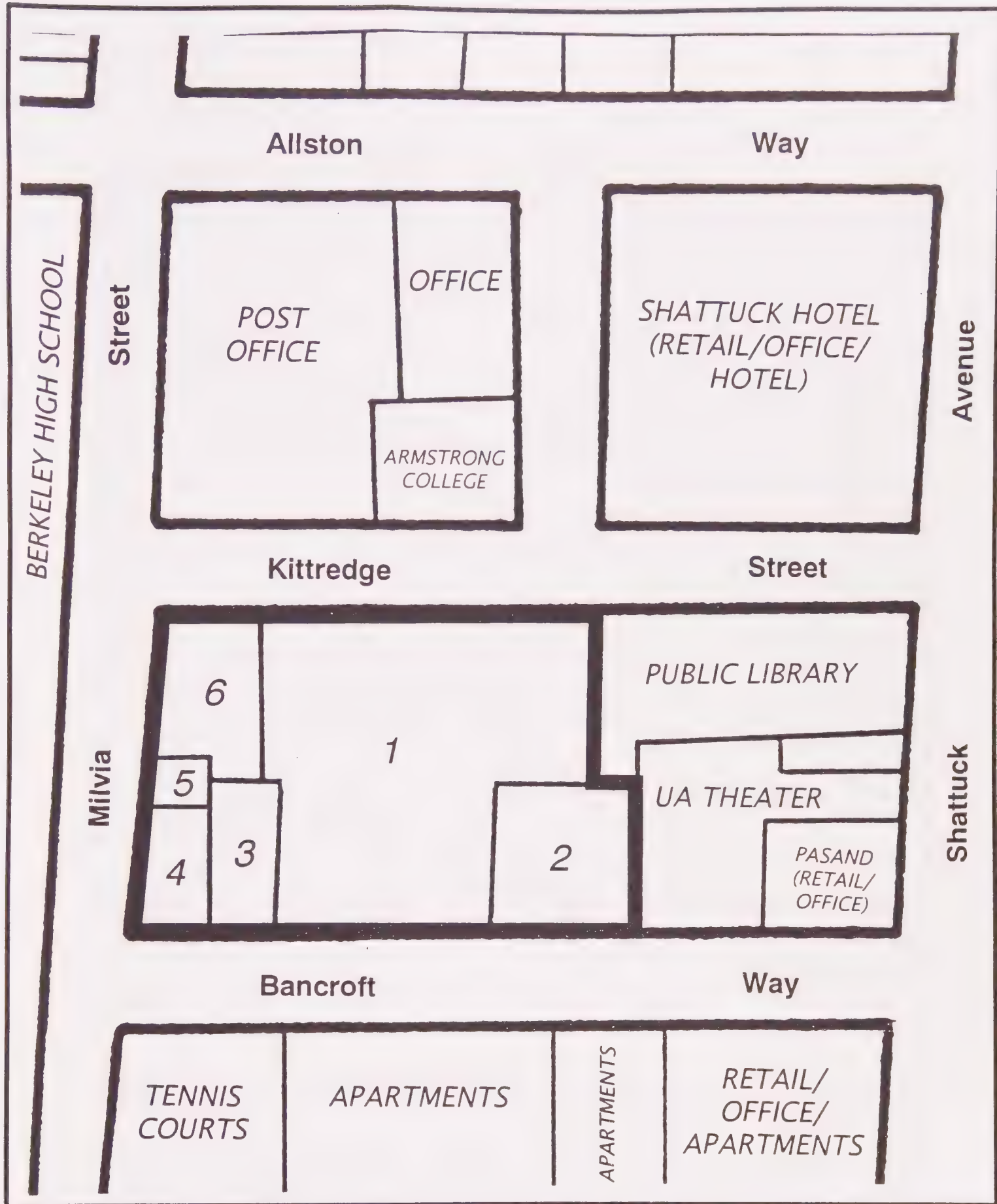
Second Floor Plan

-  Clerical/Support
-  Courtrooms and Judicial Functions
-  Parking/Service
-  Secure Circulation/ Sheriff
-  Restricted Circulation
-  Public Circulation

SOURCE: Michael Ross - Charles Drulis Architects and Planners

FIGURE: II-11





ALTERNATIVE SITE AND NEIGHBORING LAND USES FIGURE: II-13

(See Table II-2 for parcel information)



**Table II-2
ALTERNATIVE SITE PARCEL CHARACTERISTICS**

Map #	Street Address	Assessor's Parcel Number	Current Use	Parcel Size	Building Size
1	2020 Kittredge	057-2028-014-01	Berkeley Center Garage (formerly Hink's Garage). Two levels with space for about 425 vehicles.	57,500 sq. ft.	About 115,000 sq. ft. of parking on two levels (one on grade and one supported by the structure). Structure ranges in height from 10 to 15 feet above the street.
2	2031 Bancroft	057-2028-005	Douglas Public Parking Lot. About 60 spaces.	13,450 sq. ft.	None.
3	2005 Bancroft	057-2028-010	Postal Vehicle Parking Lot. About 40 spaces.	6,350 sq. ft.	None.
4	2001 Bancroft	057-2028-011	Berkeley Motel. Office, manager's unit, and 10 rental rooms, with central parking court.	8,500 sq. ft.	2,750 sq. ft. Single-story.
5	2235 Milvia	057-2028-012	Korean Restaurant. Includes rear patio.	2,500 sq. ft.	750 sq. ft. Single story.
	2237 Milvia	057-2028-012	Contractor's Office. Includes front driveway.	Combined with Korean Restaurant.	400 sq. ft. Single story.
6	2000 Kittredge	057-2028-013	YAS Auto Repair Shop. Five-bay repair garage with office.	11,200 sq. ft.	2,000 sq. ft. Single story.
TOTAL			About 485 public parking spaces, plus 40 leased spaces for postal vehicles, plus parking for auto repair and motel use.	99,500 sq. ft. of land area	5,900 sq. ft. of occupied buildings, plus 57,500 sq. ft. of parking on garage upper deck.

* Note: All size information is approximate, based on assessor's data and other sources.

See Figure II-13 for parcel location.

Also on this parcel is an office at 2037 Milvia Street. This single-story building is set back from the street with a narrow driveway in front. It encloses about 400 square feet of floor area.

The 12-room Berkeley Motel is located at 2001 Bancroft Way, at the intersection with Milvia Street. The motel is composed of two structures with access from a central parking court. The front building on Bancroft Way includes an office and residence for the manager. It sits at the property line on Bancroft Way. The larger L-shaped building sits at the property line on Milvia Street and wraps around to enclose the back of the parcel. This

motel provides housing for two members of the manager's family, and transient visitors to the area. The parcel includes about 8,500 square feet of land, of which about 2,750 is built on and the rest is paved.

A small private parking lot is immediately adjacent to the motel, at 2005 Bancroft Way. It serves as overflow parking for about 40 postal delivery vehicles for the US Post Office. The parcel covers about 6,350 square feet of land and is entirely paved. Another parking lot, run by the Douglas company, is located at 2031 Bancroft Way. It contains about 60 spaces and provides public parking primarily on a monthly basis. The parcel covers about 13,450 square feet, all of which is paved. In all, the existing structures encompass approximately 5,900 square feet of occupied square footage.

Neighboring Development. Neighboring development includes the Berkeley High School main campus to the west; Berkeley Post Office Main Branch and Armstrong College to the north; Berkeley Public Library Main Branch, UA Cinema movie theater, and Pasand restaurant/offices to the east; and 105-unit Berkeley Park residential apartment complex and Berkeley High School tennis courts to the south. The Civic Center Building (City Hall) and the YMCA are located one block north of the site on Milvia Street. The existing courthouse uses are located in the four locations described above, two blocks north and one block west of the alternative site.

Zoning. The alternative site is currently zoned by the City for commercial use (C-2), which carries a height limitation of 100 feet (nine stories) and a floor-area ratio (FAR) of 6:1, subject to securing a use permit. The site is also within the South Shattuck land use area of the Berkeley Downtown Plan. This area has been identified as a buffer area and transition zone, and amendments to the zoning were proposed as part of the Downtown Plan. If these amendments were adopted by the City, the height limit for private development would be reduced to 40 feet (three stories) and an FAR of 3:1, with an optional bonus for residential development to 60 feet (five stories) and an FAR of 4:1. One-hundred percent lot coverage is allowed in the downtown core and buffer areas, with suggestions for setbacks and reduced coverage after the second, third, or fourth floor. The site's existing buildings range in height from about 12 to 20 feet, and occupy about two-thirds of the site area with all development on a single story (FAR 0.66:1), including the Hinks parking structure. The remainder of the area is paved for surface parking related to the auto repair, restaurant, or motel uses, or for general public parking.

Site and Structure Design Plans

Courthouse Space Development

The site plan and building configurations discussed in this EIR reflect preliminary concepts of how the needs of the County courts could be met. The overall concept of the project is not expected to change, but other plans and configurations will be studied and may prove to be more beneficial for internal circulation, public access, and other reasons. The specific design of the facility will necessarily evolve as the project is refined. The environmental review process represents an important opportunity to influence this refinement process. *Table II-3* provides a summary of the program elements and space needs. Refinements to the design will be made following the environmental review process and site acquisition, based in part on mitigation measures adopted by the County and additional input from users of the facility.

The project is intended to address the State-wide and County-wide mandate for administrative coordination and consolidation to integrate municipal and superior court activities at the local level. The proposed Courthouse project will locate all of the existing Municipal Court functions and new Superior Court departments under one roof. Currently the County anticipates a need for at least seven jury courtrooms and two non-jury courtrooms (traffic and arraignment) in the building. The building will be designed to provide some flexibility so that modifications can occur to meet future court needs, changes in courtroom standards, or Judicial Council rules. For example, two courts could be combined to facilitate large complex cases.

**Table II-3
Project Program Elements**

Department / Use	Projected Staff	Square Feet of Floor Area
Trial Courts - Judicial Related *	28	34,340
Trial Courts - Administration	4	628
Trial Courts - Clerk		
Accounting / Financial	5	819
Civil / Small Claims	10	1,686
Criminal	10	1,434
Traffic	13	1,901
Superior Court Counter	--	120
Common / Support Spaces	--	4,195
Sheriff	19	6,265
District Attorney	33	6,990
Public Defender	29	5,589
Ancillary Spaces	--	6,710
<i>Sub-Total for Assignable Space (Net Sq. Ft.)</i>	<i>151</i>	<i>70,677</i>
Internal Circulation (20%)	--	14,135
<i>Sub-Total for Departmental Uses (Gross Sq. Ft.)</i>	<i>--</i>	<i>84,812</i>
Building Circulation	--	32,983
<i>Estimated Total Building (Gross Sq. Ft.)</i>	<i>--</i>	<i>117,795</i>

Source: Ross & Drulis, Architects and Planners, 1996.

* Includes courtroom staff.

In addition to the Court departments, the County anticipates that the proposed project could house at least the following court-related programs and services over its life: Offices for the Public Defender, District Attorney, Sheriff's Department, Clerk of the Court, Probation, Own Recognizance Program, Drug Court, full service Family Court, courts designed for complex litigation services, community service coordination, additional trial courts, building services, and children's waiting room or child care/drop-off center. The facility will also accommodate a secure prisoner bus sallyport as well as areas for prisoner central holding. No overnight holding facilities will be provided at this site.

The County intends to provide state-of-the-art construction for security, efficiency, safety, and service. The new courthouse will be constructed to meet or exceed the codes and regulations for building, seismic and fire safety, handicap access, and energy efficiency. The proposed project will also be designed to ensure security for staff, visitors and the general public. It will include, at a minimum, the following security measures: a single secure public entry concept (only one public entrance equipped with a metal detection station); secure interview rooms and temporary holding cells; closed circuit television (CCTV) and monitors in courtrooms; and secure corridors and other areas including the sallyport for prisoner transfer from the Sheriff's bus to the courthouse.

As currently envisioned, the proposed project would include an underground level of secure parking for use by judges, departmental chiefs, and the Sheriff. Additional staff parking would be provided in the public garage, conceptually designed as a multi-story structure adjacent to the courthouse building.

For convenience, the proposed facility would most likely locate routinely used high volume public offices and services on the lower floors. Upper stories would be reserved for the majority of the courtrooms, hearing rooms, judges' chambers, attorney/client conference rooms, a law library, witness waiting rooms, holding cell areas, office space for court reporters, research attorneys and law clerks, and various other building and public service areas and corridors. A mechanical penthouse would also be required.

Demolition and Construction

Disposition of the Existing Courthouse and Project-Site Uses

At this time, the County does not have firm plans for the existing courthouse following development of the proposed project. It is most likely that the building will be demolished and the land vacated for use by the City of Berkeley for public open space. However, the County could continue to use the facility for other County programs based in Berkeley, or the County could negotiate with other agencies or jurisdictions (including the City of Berkeley) for its re-use because the County's land lease for the property will not expire for about ten years.

Similarly, properties that would be acquired as part of the new Courthouse site could continue in operation for a short period of time until development plans are completed. However, all of the existing uses would need to vacate the site; tenants may be relocated to other local sites, or may be compensated and allowed to relocate on their own. A separate relocation study is being prepared during the environmental review period to assess the acquisition costs, relocation needs, and other relocation effects of the project.

Planned Implementation Schedule

The schedule for project implementation is necessarily flexible at this time. The entire process for environmental review, acquisition, design, construction and occupancy could take up to six years. The County intends to conduct its environmental review and prepare the project's EIR during 1996 and 1997. If the County Board of Supervisors certifies the EIR in 1997, then the County could proceed with site acquisition in 1997 and 1998. An architect could also be selected during the acquisition process. If the planning process proceeds according to this schedule, the County would contract with the architect preferably in mid-1997. Construction documents could then be prepared, possibly into 1998. The County could then seek bids and execute a contract for construction in 1998 or early 1999. The County would then anticipate occupancy by some time in year 2000 or 2001. *Table II-4* summarizes the schedule of implementation for the courthouse project.

Table II-4
IMPLEMENTATION SCHEDULE

YEAR	ACTIVITY
1996	Complete project programming / site planning.
1997	Complete environmental review. Select preferred site, financing plan, and detailed scheduling. Begin site acquisition, business and resident relocation. Begin schematic design and design development for approved site.
1998	Select architect/engineer, prepare construction drawings. Bid and award contract. Prepare final construction drawings.
1999	Begin construction.
2000	Complete construction, occupy new courthouse.
2001	Demolish existing courthouse.

Source: Alameda County, 1996.

Chapter III.A - Land Use and Planning

Existing Setting

Regional Setting

The proposed Berkeley Courthouse project is intended to continue to serve the cities of Berkeley and Albany. These communities are located in the central East Bay, part of the historic core of the nine-County San Francisco Bay Area. To the north and east is Contra Costa County, including the cities of El Cerrito and Richmond, and unincorporated areas such as Kensington and Tilden Regional Park. To the south are the cities of Oakland and Emeryville, within Alameda County. Major transportation connections to surrounding areas include Interstates 80, 880, 980, and 580, and State Routes 24 and 13. San Francisco is located across the Bay from Berkeley and Albany, accessed via the San Francisco Bay Bridge (I-80).

Berkeley

The City of Berkeley has traditionally been defined by the hills, the flatlands, the Bay, and the University. The City has also defined specific areas such as South Berkeley, West Berkeley, Downtown, and the Waterfront for special study. Important neighborhood commercial districts include the Elmwood, South Berkeley, Telegraph Avenue, North Shattuck, and Solano Avenue.

Berkeley also functions as a cultural center, with a broad diversity of races, cultures, economic levels, and lifestyles, and a long-standing tradition of social and environmental concern. The University of California has a wide-ranging impact on the educational opportunities, economy and culture of the community and the region. Now home to over 100,000 residents, the City is almost entirely built out, and is undergoing gradual redevelopment in west Berkeley, south Berkeley, and various pockets elsewhere in the commercial and residential neighborhoods.

As shown on *Table A-1*, land uses in Berkeley are generally distributed as follows: 48 percent is residential, 9 percent is institutional, 6 percent is open space, 6 percent is commercial, 4 percent is industrial, 2 percent is vacant, and 1 percent is mixed commercial and residential. Of the total land area in the City, 24 percent is streets.

There are a wide range of housing types in Berkeley, including single-family homes, apartments, dormitories, live-work units, cooperatives, tenants in common, condominiums, senior housing, market rate and low-income rentals, rental rooms, and homeless shelters. Housing units are 44 percent owner-occupied and 56 percent tenant-occupied. The greatest recent change has been the addition of 3,000 student beds for the University since 1980.

Berkeley's large institutional land use sector includes the University of California, Lawrence Berkeley Laboratory, Berkeley Unified School District, City of Berkeley, and State Department of Health Services, as well as the City government and County court facilities, with an employment base of about 18,000. The University occupies 178 acres on the central campus, 47 acres on the Clark Kerr campus, and approximately 3.8 million gross square feet of buildings located throughout the City. The City owns and manages a total of about 900,000 square feet of floor area in the City. The County's existing Berkeley/Albany Municipal Court occupies approximately 30,000 square feet of owned and leased space.

Table A-1
CITY-WIDE LAND USE ACREAGE
RANKED BY PREVALENCE

Land Use	Acres	Percent of Total
Residential	3,540	48%
Institutional	680	9%
Open Space	414	6%
Commercial	409	6%
Industrial	323	4%
Vacant	186	2%
Commercial/Residential	51	1%
Streets	1,761	24%
TOTAL	7,364	100%

Source: *Conditions, Trends & Issues*, City of Berkeley, 1993.

Open space and recreational lands in Berkeley include City-owned and/or maintained large parks, small parks, school parks, special use parks, swim centers, and marina parks. Institutional open space along the City's borders include University and East Bay Regional Park District lands. The East Bay Municipal Utility District also operates water storage facilities classified as open space.

Commercial uses are located along major thoroughfares, in the central downtown core, near the University, and increasingly in west Berkeley and neighborhood centers. The City economy supports 21,000 service and 14,000 retail employees, as well as a large segment of public employees at the various institutions and a substantial industrial base.

Industry employs 7,600 persons in Berkeley, third largest sector after institutional and service/retail commercial. Tax base, high wage employment, and low traffic impacts of this type of use make it a desirable use to retain. These uses are located almost exclusively in west Berkeley.

Mixed commercial/residential development is found in the downtown area and along major thoroughfares. This use is a hybrid that offers opportunities for affordable housing in proximity to shopping and services.

Vacant lands are scattered in small parcels throughout the City. They represent occasional opportunity sites in commercial areas, but are primarily in west Berkeley along the waterfront, or in steep hillside areas.

Streets make up the remainder of the City's land area. While not strictly considered a land use, they are second in prevalence with 24% of the land area. There are 221 miles of streets in the City, most of which are improved with either asphalt or concrete paving. Some streets in west Berkeley are unimproved, primarily in underdeveloped industrial areas. The I-80 freeway also occupies a large land area (140 acres) in west Berkeley. The condition of some of Berkeley's roadway system is suffering from deferred maintenance. (Berkeley, 1993)

Albany

Albany has a population of about 17,000. Originally developed as a compact working-class community to the northwest of Berkeley, Albany is now largely built out and has become more middle-class community with several successful commercial areas and new / renovated housing development activity. The City is currently undertaking efforts at redeveloping portions of the San Pablo Avenue commercial strip and other underutilized areas, while retaining the primarily residential nature of its neighborhoods.

The University of California also has a large presence in Albany at the University Village student housing area west of San Pablo Avenue. San Pablo Avenue, Interstate 80, and Solano Avenue serve as major connections to the city of Berkeley. The Martin Luther King Jr. Way corridor also serves as a major link to the Civic Center and Downtown areas. BART service is provided at El Cerrito Plaza just north of the Albany city limits, and at North Berkeley, approximately one-half mile south of Albany. A trail corridor traverses Albany underneath and alongside the BART corridor to provide pedestrian and bicycle access.

Downtown Berkeley

Downtown Plan Area. The project site is located in the Downtown / Civic Center area of the City of Berkeley, which encompasses about 20 square blocks and serves as the primary civic, office, and entertainment center for the City, as well as an important retail area. Total occupied space amounted to over 3.8 million sq. ft. in 1984, the last year a comprehensive survey was undertaken, with an emphasis on institutional space including offices, non-office support facilities, and parking. *Table A-2* summarizes this land use data.

Overall, offices occupy about 1.35 million square feet, for 35% of the total built space. Private offices are predominant (890,000 sq. ft.), representing 23 percent of the area's total built space. Institutional office space (455,000 sq. ft.) accounts for another 12 percent of the downtown total. Commercial space occupies just over 1 million square feet in the downtown. This category includes retail, service, restaurant, finance, and entertainment. Retail makes up the largest proportion of this category (540,000 sq. ft.) with 14 percent of the total downtown built space. Other commercial categories each account for less than 5 percent of the total, including restaurants (160,000 sq. ft.), finance (140,000 sq. ft.), entertainment (90,000 sq. ft.), and services (85,000 sq. ft.).

The next most prevalent use is auto-oriented (635,000 sq. ft.), including public parking lots (470,000 sq. ft.), institutional parking lots (75,000 sq. ft.), and auto services such as fuel and repair stations and auto dealers (90,000 sq. ft.). This figure does not include small parking lots that are ancillary to other types of uses.

Residential development includes a broad range of units, but is almost exclusively rented. Many of the units are small, with an overall average of 2.5 rooms per unit. About 725 year-round units are provided (435,000 sq. ft.) in downtown. This space is often located above ground-floor commercial retail uses, and has little if any parking provided. Apartments (265,000 sq. ft.) make up 7 percent of all built space in the downtown, hotels (160,000 sq. ft.) make up 4 percent, and houses (15,000 sq. ft.) account for only 1 percent of the built space in downtown.

Institutional non-office space (405,000 sq. ft.) such as shipping and receiving, and private parking lots/garages accounts for 11 percent of the total. (Berkeley, 1990)

Recent developments in the downtown area include the Golden Bear office/retail project (160,000 square feet) on University Avenue; the Promenade office/retail project at 2030 Addison Street (38,000 sq. ft.); an office/retail project at 2150 Kittredge Street (24,000 sq. ft.); an office/retail building at 1936 University Avenue (47,000 sq. ft.); a commercial retail project at 2128 Oxford Street (7,000 sq. ft.); and an office/retail project on Milvia Street between Addison and Center Streets (12,000 sq. ft.).

Table A-2
LAND USE FLOOR AREA IN DOWNTOWN
RANKED BY PREVALENCE

Category	Square Feet	% of Total Built Space
Office		
Private	890,000	23%
Public	455,000	12%
<i>Subtotal</i>	<i>1,345,000</i>	<i>35%</i>
Commercial		
Retail	540,000	14%
Food	160,000	4%
Finance	140,000	4%
Service	85,000	2%
Entertainment	90,000	2%
<i>Subtotal</i>	<i>1,015,000</i>	<i>26%</i>
Auto-Oriented		
Parking	470,000	12%
Services	90,000	2%
Institutional	75,000	2%
<i>Subtotal</i>	<i>635,000</i>	<i>17%</i>
Residential		
Apartments	265,000	7%
Hotels	160,000	4%
Houses	15,000	<1%
<i>Subtotal</i>	<i>440,000</i>	<i>11%</i>
Institutional		
Non-Office	405,000	11%
TOTAL	3,840,000	100%

Source: *Berkeley Downtown Plan*, 1990, based on Downtown Land Use Survey, 1984, City of Berkeley. (All figures rounded)

NOTE: All "Institutional" uses (Office—Public, Auto-Oriented—Institutional, and Institutional—Non-Office) equal 935,000 sq. ft., representing 24 percent of the total developed floor area in the Downtown.

Various other development proposals have been considered or are being implemented in areas just north or south of the Downtown Plan area, including townhouses and mixed residential/commercial projects. (Berkeley, 1993)

Institutional Land Use. The combined institutional office, non-office (such as print shops and storage facilities), and parking uses amount to 934,000 square feet of development in the downtown, accounting for one-fourth of all development in the downtown area. As shown in *Table A-3*, institutional uses are concentrated in the south and west buffer areas. The West Buffer includes City Hall, Martin Luther King Jr. Park, and the Veteran's Memorial, and the court's leased space, but does not include the existing courthouse, Old City Hall, or the City police and fire facilities which are located just west of the Downtown Area boundary.

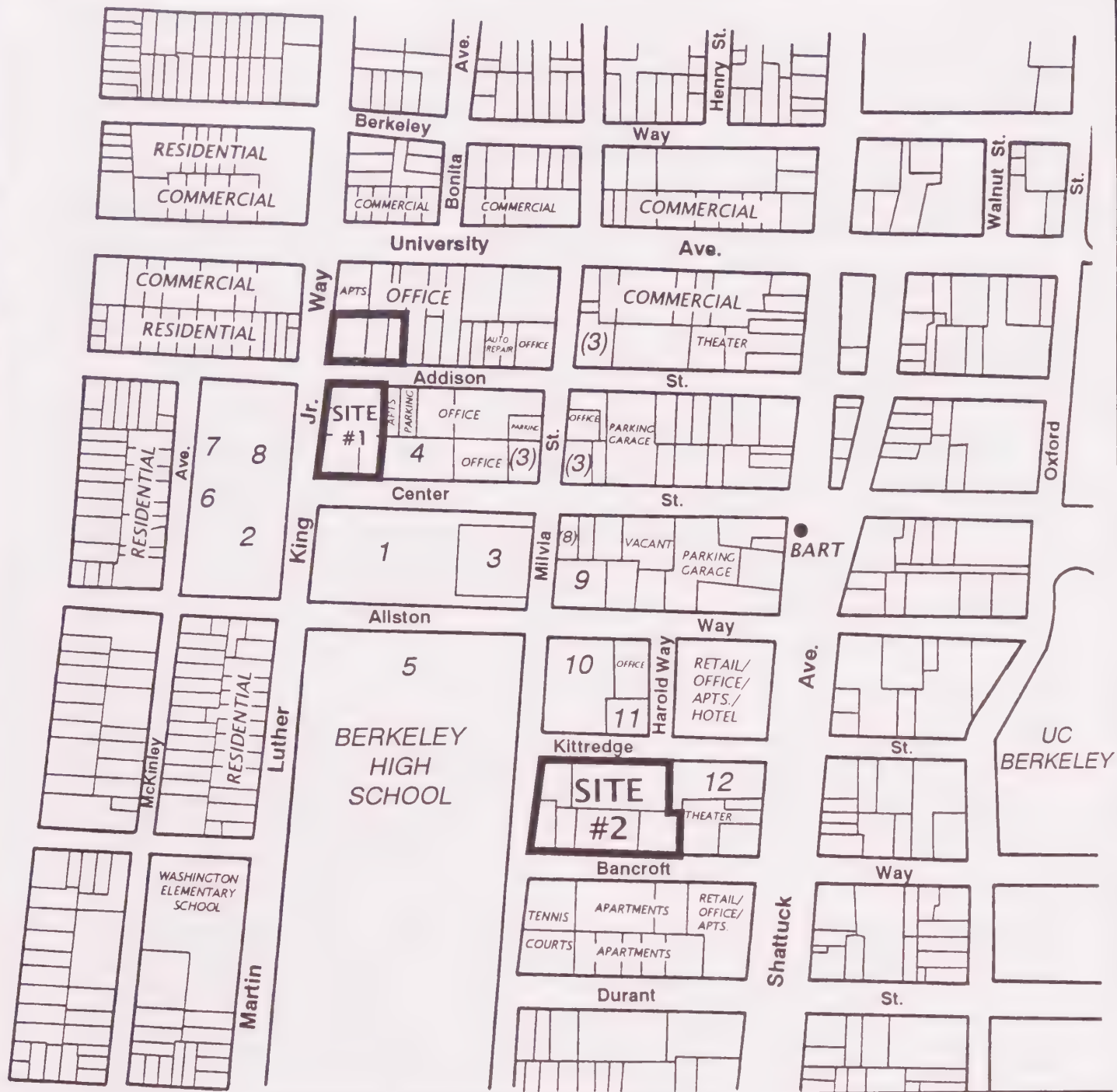
Land Use Patterns. Based on information in *Tables A-2 and A-3*, it is possible to make several conclusions about the land use patterns in the Downtown area. The Core Area serves as the most diverse and traditional downtown area, with an even mix of office and commercial, with a large area of supporting auto-related parking and services and a small degree of residential and institutional uses. The Oxford Edge is a narrow band of uses that are oriented toward the University, including a University office tower, with an unusually high proportion of auto-related uses due to the City parking lot and auto service station/car wash. The North Buffer includes the University Avenue corridor, so has a predominantly commercial use, with a major office presence in several large historic and modern buildings. Very little auto-related, residential, or institutional use is in this area. The West Buffer area (where the new courthouse is proposed) has the most institutional land use due to the presence of the City Hall, Veterans Memorial, YMCA, and other similar uses. The South Buffer (where the alternative site is located) similarly has a high concentration of institutional land uses, but with a slightly higher density of commercial and auto-oriented uses than the West Buffer.

Civic Center Area

The Berkeley Civic Center area overlaps the Downtown area as defined by the City. Loosely defined around the Martin Luther King Jr. Memorial Park (also known as Provo Park or Civic Center Park), it includes such prominent land uses as City Hall, Old City Hall (now occupied largely by the Berkeley Unified School District), Berkeley Police and Fire Department headquarters, the Veterans' Memorial Building, Post Office, YMCA, and Berkeley Community Theater (on the Berkeley High School campus), and the existing Berkeley/Albany Municipal Courthouse. *Figure A-1* shows the location of the project site, alternative site, and local land uses.

The City is currently preparing a Civic Center Urban Design Plan (CCUDP), based on input from an advisory committee, citizen review, and City Council. The intent of the plan is to coordinate the various projects being undertaken by the City and other agencies such as the County, Library, and Berkeley Unified School District (BUSD) within a comprehensive "vision" and urban design plan. For this purpose, the traditional Civic Center area has been expanded to include the alternative Courthouse site, plus the neighboring tennis courts owned by the BUSD, the Main Library, and several other properties not facing directly on the Civic Center Park.

The Draft CCUDP is presented in a poster format, and is undergoing environmental review at this time. The vision statement is as follows: "the Civic Center [is] a great room in which the daily civic, cultural, recreational and artistic activities and routines of the community may take place. The Plan envisions a Civic Center in which all of the community's important civic uses come together in a coordinated and integrated whole. The Civic Center will be more beautiful, more vital, more enjoyable and more comfortable for pedestrians throughout the day and evening. The Plan vision refocuses attention on the original 1908 Civic Center plan which recommended a grand, classical municipal campus of carefully arranged structures displaying a readily understandable consistency of massing, colors, materials, and style. The 1996 plan reinforces the original historic plan while accommodating the civic needs of the present day community." The plan further notes that the new Courthouse should be located at the corner of MLK Way and Center Street, and "will complete the 'great civic room' of the Civic Center."



- 1 - Civic Center Park
- 2 - Old City Hall/BUSD
- 3 - Civic Center Building & Leased Space
- 4 - Veteran's Memorial Building
- 5 - Community Theater/Berkeley High School
- 6 - Hall of Justice

- 7 - Fire Administration Building
- 8 - Existing Courthouse Space
- 9 - YMCA
- 10 - Post Office
- 11 - Armstrong College
- 12 - Public Library

FIGURE: A-1



NORTH

DOWNTOWN/CIVIC CENTER LAND USES

Table A-3
LAND USE ACREAGE IN DOWNTOWN
BY PLAN SUB-AREA

Sub-Area	Office	Commercial	Auto-related	Residential	Institutional
Core Area	30%	30%	20%	10%	10%
Oxford Edge	10%	5%	55%	10%	20%
North Buffer	45%	30%	5%	15%	5%
West Buffer	15%	5%	10%	10%	60%
South Buffer	15%	15%	15%	10%	45%

Source: *Berkeley Downtown Plan*, City of Berkeley, 1990. (All figures rounded.)

Neighboring Land Uses

Proposed Project Site

Figures A-2 through A-7 shows the land uses in the vicinity of the proposed project site, including public facilities such as the Veteran's Memorial Building, Civic Center Building, Old City Hall, the proposed Public Safety Building, and the existing courthouse. Other uses include a mix of residential, office, retail, auto repair and parking lots. *Table A-4* summarizes the project site and alternative site parcel information.

North. The main project site is bounded by Addison Street on the north. The area north of the site is currently developed with a tire store and associated parking lot, a two-story office building, a house converted to offices, and an apartment building. The proposed parking garage would be located on these properties. Land uses that would remain adjacent to the parking garage include an office building (three stories with underground parking), and the retail/residential building at the corner of MLK Way / University Avenue.

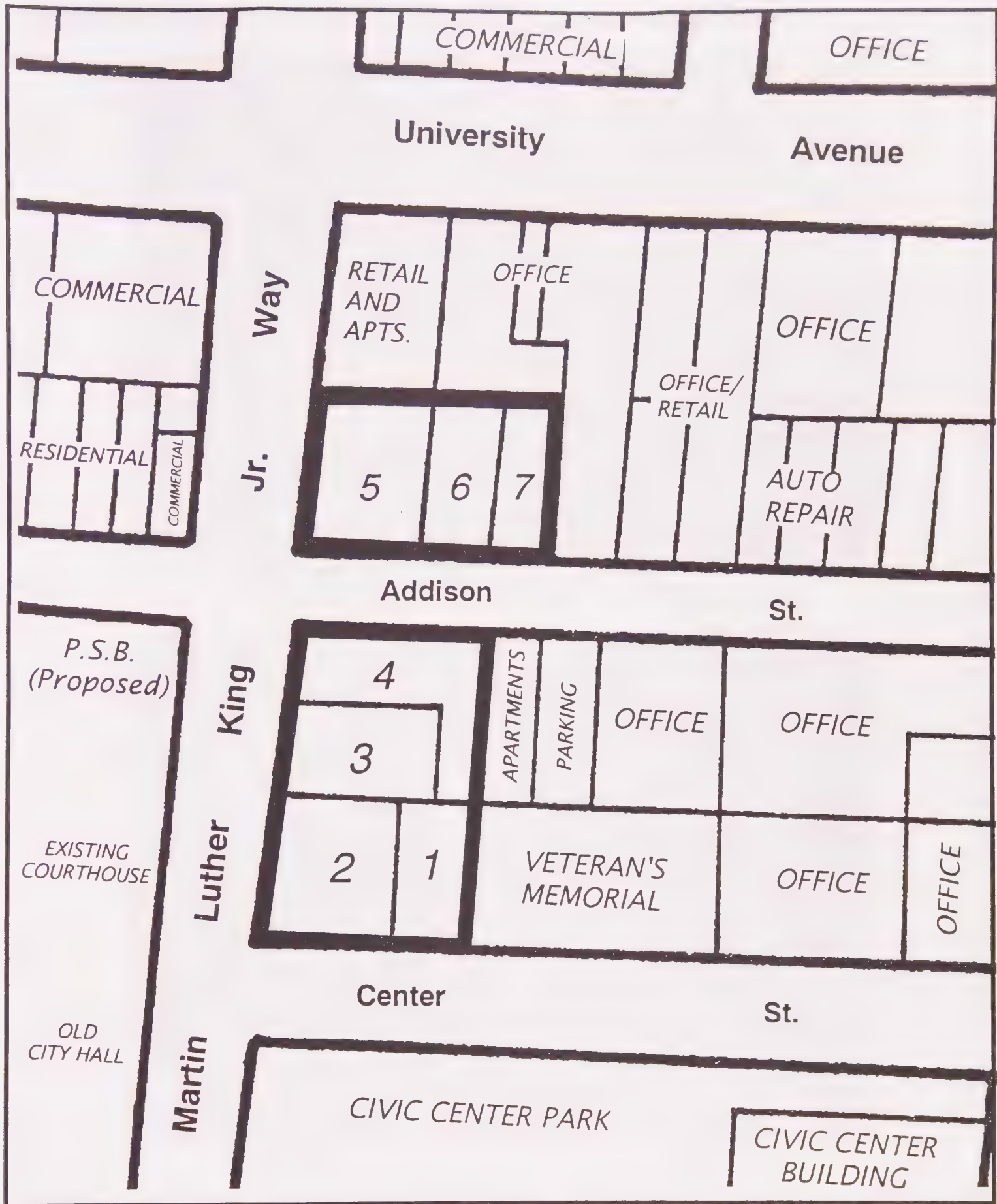
West. The project site is bounded by MLK Way to the west. The City owns the entire block between Addison Street and Allston Way, where a parking lot and service agency office space are located. These uses will be removed to construct the City's new Public Safety Building, directly facing MLK Way. The existing courthouse, fire administration, and police station are also located on this block. Each of these uses would be demolished after construction of the City and County's new facilities. The proposed County parking garage site is located across MLK Way from a small restaurant, an office, and an apartment building.

South. The project site is bounded by Center Street to the south. The Martin Luther King Jr. / Civic Center Park is located across the street, and occupies the majority of that block. The City's Civic Center Building is also located on that block, at the eastern end near Milvia Street. The Civic Center Park is used by students from the Berkeley High School (located further south across Allston Way), and by the general public. The park may be rehabilitated as part of the City's Civic Center Urban Design Plan, including the introduction of a cafe and restrooms, a new entrance to the Civic Center Building facing the park, and a creek/landscaping program.

East. Land uses to the immediate east of the main site include the Veteran's Memorial Building at 1931 Center Street, which houses a small historic society museum, meeting rooms, and a homeless shelter. There is also a 20-unit apartment building at 1912 Addison Street, immediately adjacent to the proposed sallyport driveway. East of the parking garage is the Promenade parking entrance and office building. Other Addison Street development includes several office buildings, a parking lot, and auto repair shops.

Table A-4
EXISTING LAND USES AT THE PROJECT SITE AND ALTERNATIVE SITE*

Map #	Street Address	Current Use
PROPOSED PROJECT SITE		
<i>New Courthouse Building</i>		
1	1907 Center Street	16 studio apartments. No off-street parking is provided.
2	1903 Center Street	PG&E Customer Service Center. Parking is provided for about 20 employees and visitors.
3	2105 Martin Luther King Jr. Way	American Language Academy. Parking for about 12 vehicles is provided.
4	1906 Addison Street	Vacant office building (formerly the Institute for Buddhist Studies, and School of Professional Psychology) Parking for about 12 vehicles is provided.
<i>New Parking Garage</i>		
5	2099 Martin Luther King Jr. Way	Goodyear Tire Center. Parking is provided for about 20 employees and visitors.
6	1911 Addison Street	Offices (AJOB). Parking is provided for about 10 employees and visitors.
7	1915 Addison Street	Law Offices, and 12 apartments. Parking is provided for about 3 employees/residents or visitors.
ALTERNATIVE SITE		
1	2020 Kittredge Street	Berkeley Center Garage (formerly Hink's Garage). Two levels with space for about 425 vehicles.
2	2031 Bancroft Way	Douglas Public Parking Lot. About 60 spaces.
3	2005 Bancroft Way	Postal Vehicle Parking Lot. About 40 spaces.
4	2001 Bancroft Way	Berkeley Motel. Office, manager's unit, and 10 rental rooms, with central parking court.
5	2235 Milvia Street	Korean Restaurant. Includes rear patio.
	2237 Milvia Street	Contractor's Office. Includes front driveway.
6	2000 Kittredge Street	YAS Auto Repair Shop. Five-bay repair garage with office.



PROJECT SITE AND NEIGHBORING LAND USES

FIGURE: A-2

(See Table A-4)



NORTH



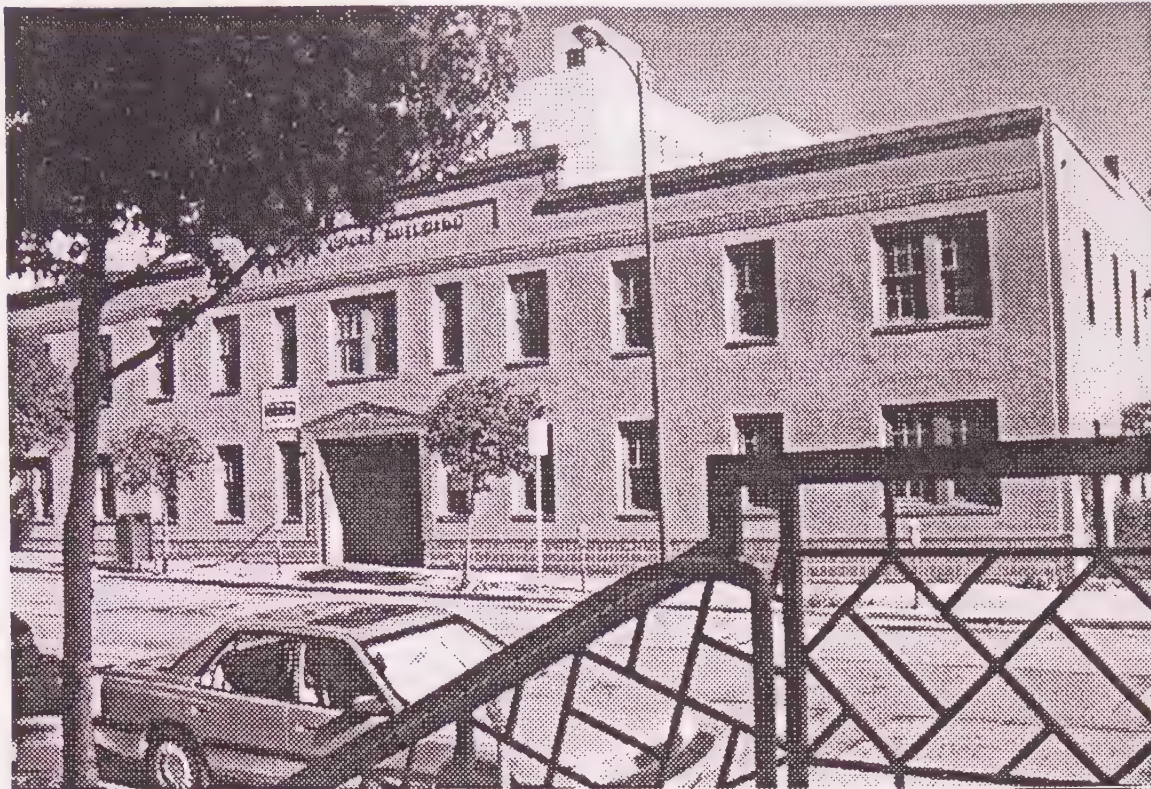
Apartments - Addison Street



Parking Lot - Addison Street

PHOTOS OF LOCAL LAND USES

FIGURE: A-3



Armory Building - Addison Street



Forestry Building - Addison Street

PHOTOS OF LOCAL LAND USES

FIGURE: A-4



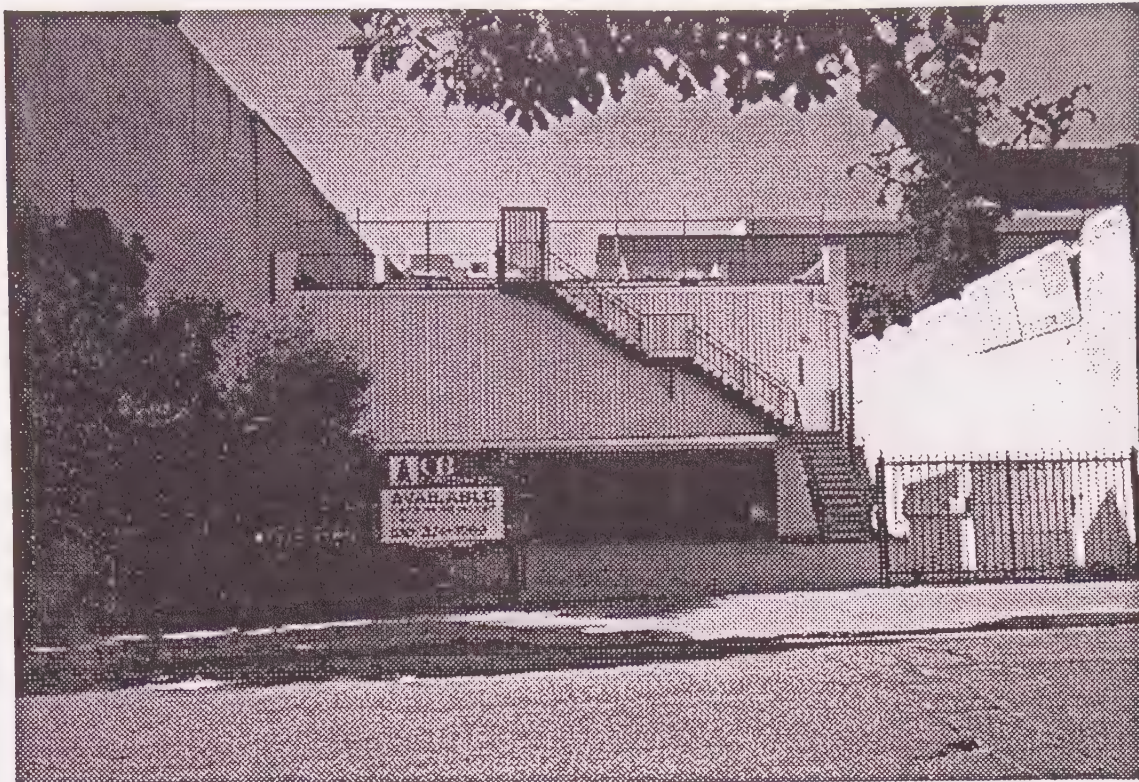
The Promenade Offices - Addison Street



Girties/Offices - Addison Street

PHOTOS OF LOCAL LAND USES

FIGURE: A-5



Rear of Office Building - Addison Street



Auto Repair Garages - Addison Street

PHOTOS OF LOCAL LAND USES

FIGURE: A-6



Robin's/Office/Apartments - Martin Luther King Jr. Way



B.O.S.S. Building - Addison Street

PHOTOS OF LOCAL LAND USES

FIGURE: A-7

Alternative Project Site

Land uses in the immediate vicinity of the alternative project site include general commercial, retail, movie theater, restaurant, civic, multi-family and single-family residential, and parking. A map of these uses is shown in *Figure A-8*. Photographs of the area are provided in *Figures A-9 through 11*. The alternative project site is bounded by Kittredge Street to the north, Milvia Street to the west, Bancroft Way to the south, and the rear walls of the UA Cinema and Berkeley Main Public Library to the east. The Shattuck Avenue downtown corridor is located one-half block east of the site. This area is one of the major transportation hubs for the city and University.

North. Development to the immediate north of the alternative site includes Armstrong University and the Berkeley Main Post Office. The Post Office is oriented toward Allston Way, which means that the rear loading and parking areas face the site. Harold Way is a one-block street parallel to Shattuck Avenue which runs between Kittredge at the project site and Allston Way to the north. The eastern side of Harold Way is a blank wall formed by the rear of the Shattuck Cinemas and other uses in the Shattuck Hotel/Hink's Building. The west side of the block includes the Armstrong University building, a non-descript single-story office building that houses the Deja Vu Publishing Company, and the Elks Club building which now houses the Church of Divine Man with its main entry on Allston Way. Development on Allston Way includes the historic YMCA and its new expansion building, and a private parking garage with ground floor shops. City Hall is located across Milvia Street northwest of the YMCA.

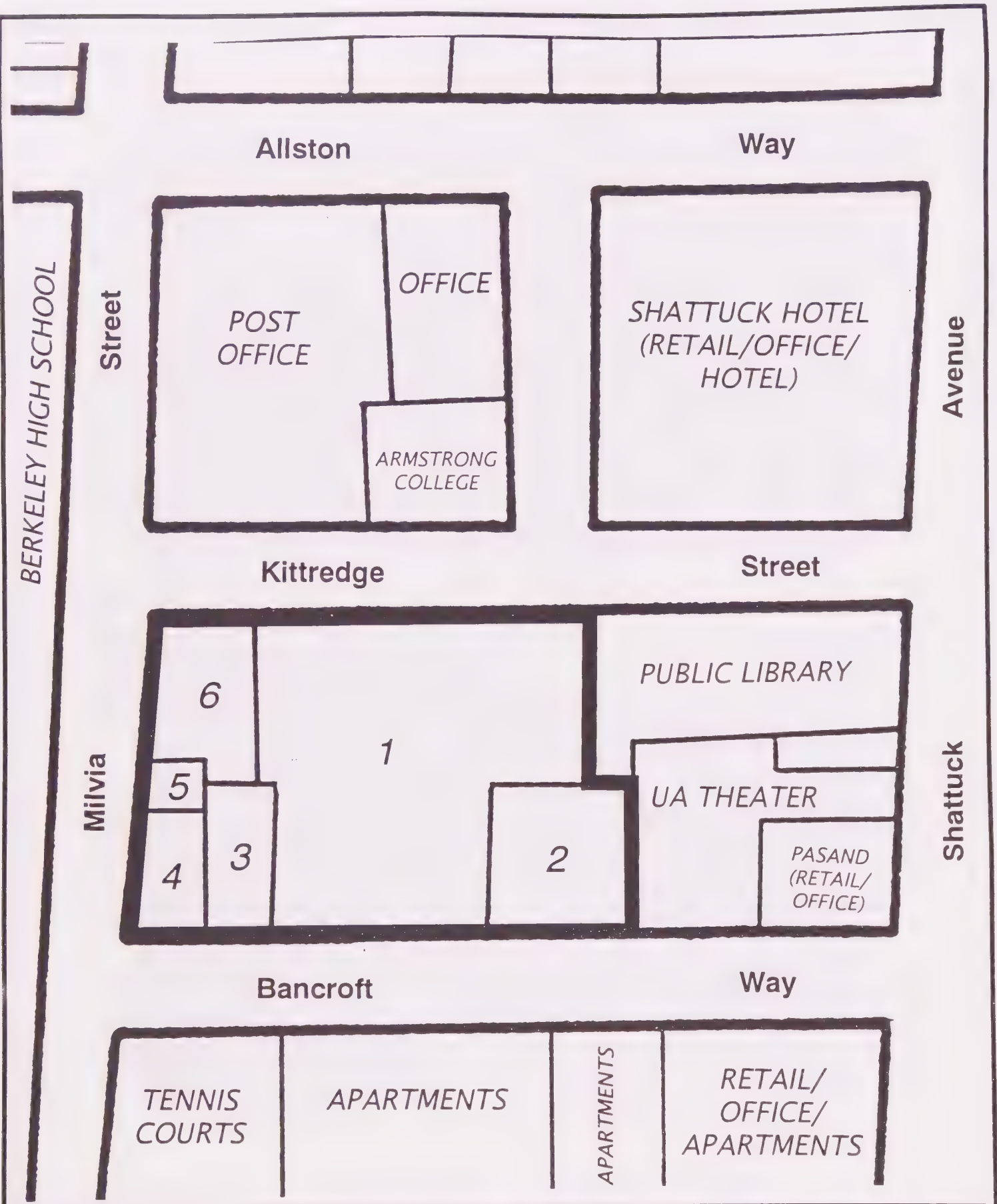
West. The Berkeley High School main campus is to the immediate west of the alternative site. It occupies four city blocks bounded by Milvia Street, Allston Way, Martin Luther King Jr. Way, and Channing Way. The campus has been the subject of study for a new master plan, and several buildings are currently undergoing seismic retrofit work. The Courthouse site fronts on a parking lot and pedestrian entry areas at the Milvia Street intersection with Kittredge Street and Bancroft Way. As a closed campus, students are restricted in their entry and exit from the campus during the day. Kittredge Street serves as a major connection for students coming and going to the downtown area's commercial and transit services in the morning, at lunch, and in the afternoon. Milvia Street serves as an important bicycle route through central Berkeley.

South. The BUSD owns a three-quarter acre parcel south of the alternative site, across Milvia Street from the main campus, that is fenced and used for tennis courts. Also to the south of the site is the Berkeley Park apartment complex. This building houses 105 units on three floors plus a penthouse, with surface parking provided partially below the building. The building occupies the middle of the block and has entries on both Bancroft Way and Durant Street. Also fronting on Bancroft Way south of the project site are several residences, a commercial building, and the Corder Building/Shattuck Apartments, which houses various ground-floor retail/office uses and three stories of residential apartments.

East. Uses east of the alternative site include the immediately fronting rear and side walls of the Main Library and UA Theater. The library is accessed from Kittredge Street, and includes a small park, parking lot and loading dock located between the library building and the project site. The UA Cinema is accessed from the middle of the Shattuck Avenue frontage. It is neighbored by the Pasand restaurant and office building, known as the Morse Block/Donough Arms, at the corner of Bancroft Way and Shattuck Avenue. A small restaurant building also is located on Shattuck between the theater and library.

Local Development Plans

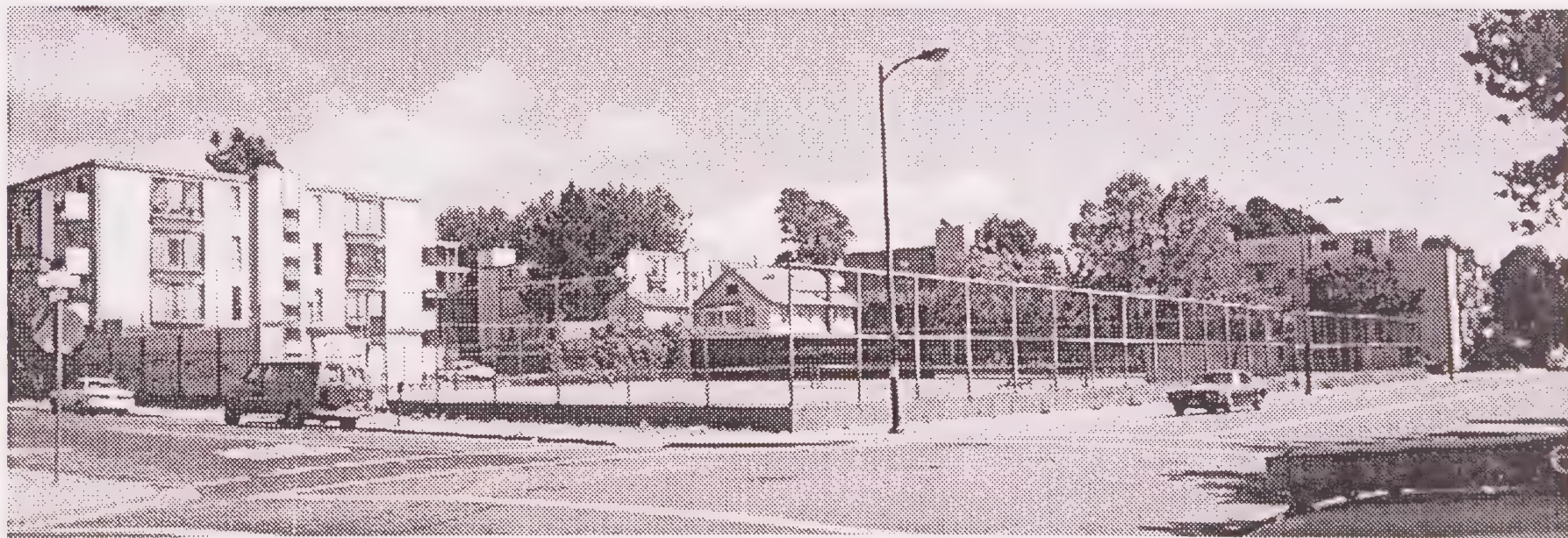
The Civic Center and Downtown areas are undergoing continual change in one form or another. In addition to the County's long-term efforts to construct a new courthouse complex, the City and other public agencies have been investigating various expansion and renovation projects, some of which are already being implemented.



ALTERNATIVE SITE AND NEIGHBORING LAND USES FIGURE: A-8



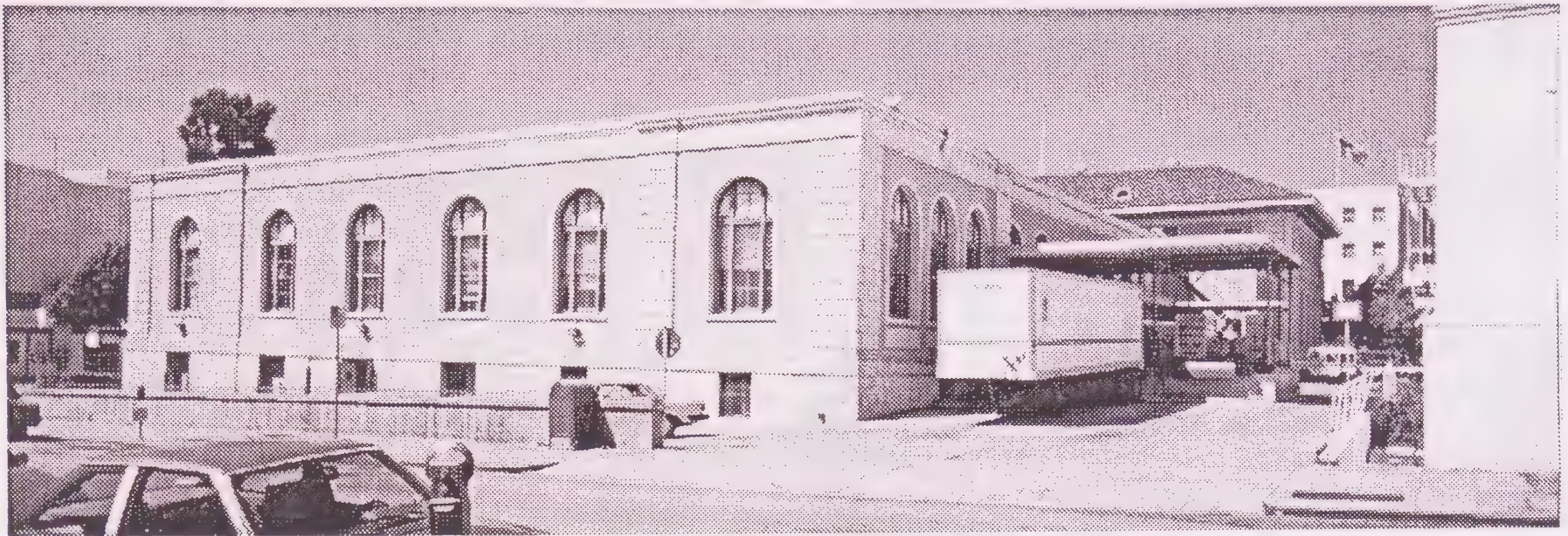
Berkeley Park Apartments - Bancroft Way



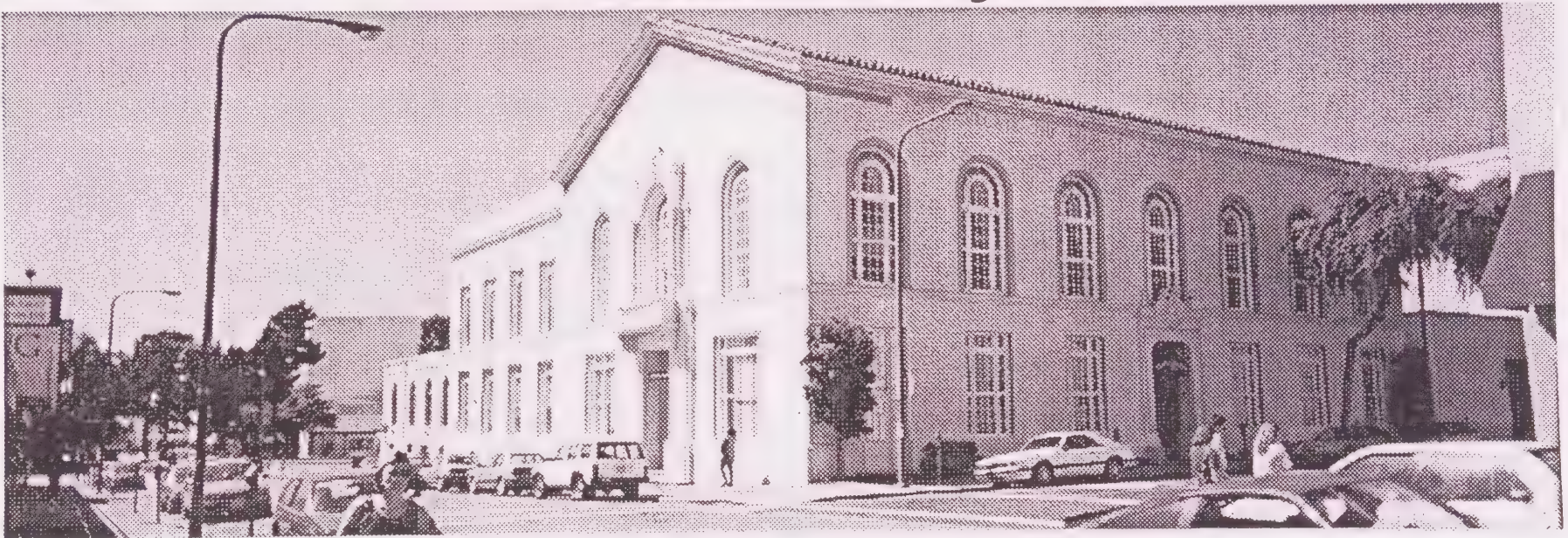
Tennis Courts - Bancroft/Milvia

PHOTOS OF ADJACENT LAND USES AT HINK'S SITE

FIGURE: A-9



U.S. Postal Service - Kittredge Street



Armstrong College - Kittredge Street

PHOTOS OF ADJACENT LAND USES AT HINK'S SITE

FIGURE: A-10



Northwest on Milvia Street



Southwest on Milvia Street

PHOTOS OF LOCAL LAND USES- HINK'S SITE

FIGURE: A-11

For instance, the Berkeley Unified School District received voter approval in the 1980's for seismic renovations to its facilities, and has undertaken retrofit projects at Washington Elementary School and the Berkeley High School campuses in the immediate project area, as well as other sites in the District. The BUSD has prepared a draft Master Plan for the campus, but has not adopted it at this time. One of the provisions of the plan would be to move all parking off of the campus, and to move all school functions including the tennis courts onto the campus. The BUSD has studied the possibility of developing the tennis courts for parking or office space, and the County has considered cooperating with the District, but no agreements have been reached.

The YMCA recently completed a major expansion program one block north of the project site, including new swimming, aerobics, weight training, and other facilities. The Courts had considered the YMCA expansion site as one of the alternative sites during early site selection review in 1988 through 1990. The remainder of the area, along Center Street, would not be adequate to serve the Court's needs.

The City of Berkeley is completing plans for a new Public Safety Building, and is considering the renovation needs for the Civic Center Building. The City Public Safety building, which would house the Police and Fire Departments on McKinley Avenue. The City received funding from the Federal Emergency Management Agency (FEMA) to renovate the existing police station, or Hall of Justice, to provide seismic safety. The City has since determined that it would be more cost-effective and have longer term benefits to replace the Hall of Justice with a new structure somewhere on the same block. The Fire Administration Building will be consolidated into a new Public Safety Building to be constructed at the corner of MLK Way and Addison Street, with parking behind the building nearer to McKinley Avenue.

A project that could have a direct effect on the Courthouse project at the alternative site is the Berkeley Main Library renovation and expansion. The library has been considering its options for expansion and increased efficiency to accommodate the demands on its facility adjacent to the project site for several years and has determined that there are three main options. One would be to place a small two-story addition to the west of the existing building which would occupy the small park and parking lot on the library parcel. Another option would be to add one or two stories to the existing building, setback from the street facades on Shattuck Avenue and Kittredge Street to preserve the general massing and style of the building. The third option would be to expand beyond the existing library parcel onto the alternative courthouse site, which would reduce the need for upward expansion at the existing building. Preliminary plans for developing the Courthouse project at this site would provide a plaza area between the buildings and access to a loading dock from Bancroft Way.

All of these projects and others are being studied by the City in preparation of a Civic Center Urban Design Plan. The plan is being prepared by a consultant team under the direction of an advisory committee and City staff. The County has participated to the extent possible to ensure full consideration of Courthouse needs and objectives.

Public Policy

Alameda County Policies. Alameda County is responsible for providing court facilities, staffing, and services. Several agencies and departments within the County take part in this responsibility. The County Administrator's Office oversees the County's general programs, budgeting, and interagency coordination. The Municipal Courts and Superior Courts are described in more detail in Chapter II, Project Description. The General Services Agency oversees the development, operations, and maintenance of County property and assets. GSA includes sections that focus on architectural services, real estate, and hazardous materials management. The Public Works Agency is also involved in real estate acquisition and management, primarily related to public rights of way. The Planning Department (recently reorganized as the Community Development Agency) is the land use planning, redevelopment, housing, economic development, and environmental authority.

As the elected officials responsible for overseeing projects throughout the County, the County Board of Supervisors will ultimately be responsible for approving the design, financing, and other aspects of the project, and will certify the project EIR. The 5th Supervisorial District includes the Cities of Albany, Berkeley, Emeryville, and Piedmont, and a portion of Oakland. In general, the County does not regulate local land use in incorporated areas such as Berkeley. However, when the County is implementing projects related to its specific responsibilities, which are delegated by the State under State law, the County is exempt from the land use policies of a local jurisdiction.

In the case of the Berkeley Courthouse, the County is specifically charged with providing municipal and superior courts. The project will also incorporate related services which are necessary for an efficient and effective court system. This is similar to decisions made by independent agencies that provide water service, schools, or similar public goods in areas that cross local governmental boundaries and operate relatively independently from local land use controls. The County, in implementing this project, is responding to the findings of the Judicial Council in their 1987 report, and California Rule of Court 991, as further described in Chapter II of this EIR. Other policies relate to criteria used during the site selection process, also described in the Project Description.

City Of Berkeley General Plan. Cities and Counties are mutually exempt from building and zoning regulations, including compliance with the general plan, with respect to property that one such entity may own within the territory of the other. However, a city can require a subdivision map for property conveyed to or from a public agency if it can be shown that public policy necessitates such a map.¹ For the purposes of the Courthouse project, existing parcels may need to be merged to create single development parcels. The City can also require encroachment permits for driveway access, water and sewer connections, and other municipal services.

The City of Berkeley is currently updating its General Plan. Background reports were prepared during 1992 and 1993, and a Concept Plan was issued in June 1994. The preparation of the Plan has been on hold since 1995. Until the new Comprehensive Plan is adopted, the 1977 Master Plan applies to land use decisions in the City, supplemented by Area Plans and implemented by zoning regulations and other City land use, design, infrastructure and development programs.

Berkeley Downtown Plan. The City's various area plans include the Berkeley Downtown Plan, adopted in October 1990. This plan covers an area that includes the proposed and alternative Berkeley Courthouse sites and environs. The Downtown Plan addresses development and redevelopment of areas in the core of the downtown as well as transitional areas that occur where the downtown and neighboring residential development meet.

As shown in *Figure A-12*, the proposed project site is located in the West transition buffer/area, and the alternative site is located in the South transition/buffer area. Land use changes in this area are governed by the general parking, design and land use guidelines for the entire downtown area, as well as specific height and density policies. The zoning amendments recommended in the Plan have not been formally adopted by the City, but are used by staff in reviewing development proposals.

The Downtown Plan is divided into eight chapters: historic preservation and urban design; social/cultural; environmental quality, open space and recreation; economic; circulation and transportation; the University of California; land use; and implementation. Each chapter includes a strategic statement, background information, objectives and policies, and programs. The Downtown Plan includes an emphasis on new residential development

¹Attorney General's Opinion No. 62-82, 1962. [40 Opps.Cal.Atty.Gen. 243]; County of Los Angeles v. City of Los Angeles, 1963 [28 Cal.Rptr. 32]; Lawler v. City of Redding, 1992 [7 Cal.App.4th 778, 9 Cal.Rptr.2d 392]; County of San Mateo v. Bartole, 1960 [7 Cal.Rptr. 569]; Akins v. County of Sonoma, 1967 [60 Cal.Rptr. 499]; County of Los Angeles v. Riley, 1936 [6 Cal.2d 625]; Govt. Code section 53090, 65402.

above ground-floor retail on sites that become available as existing uses such as auto dealers relocate or as older structures are cleared.

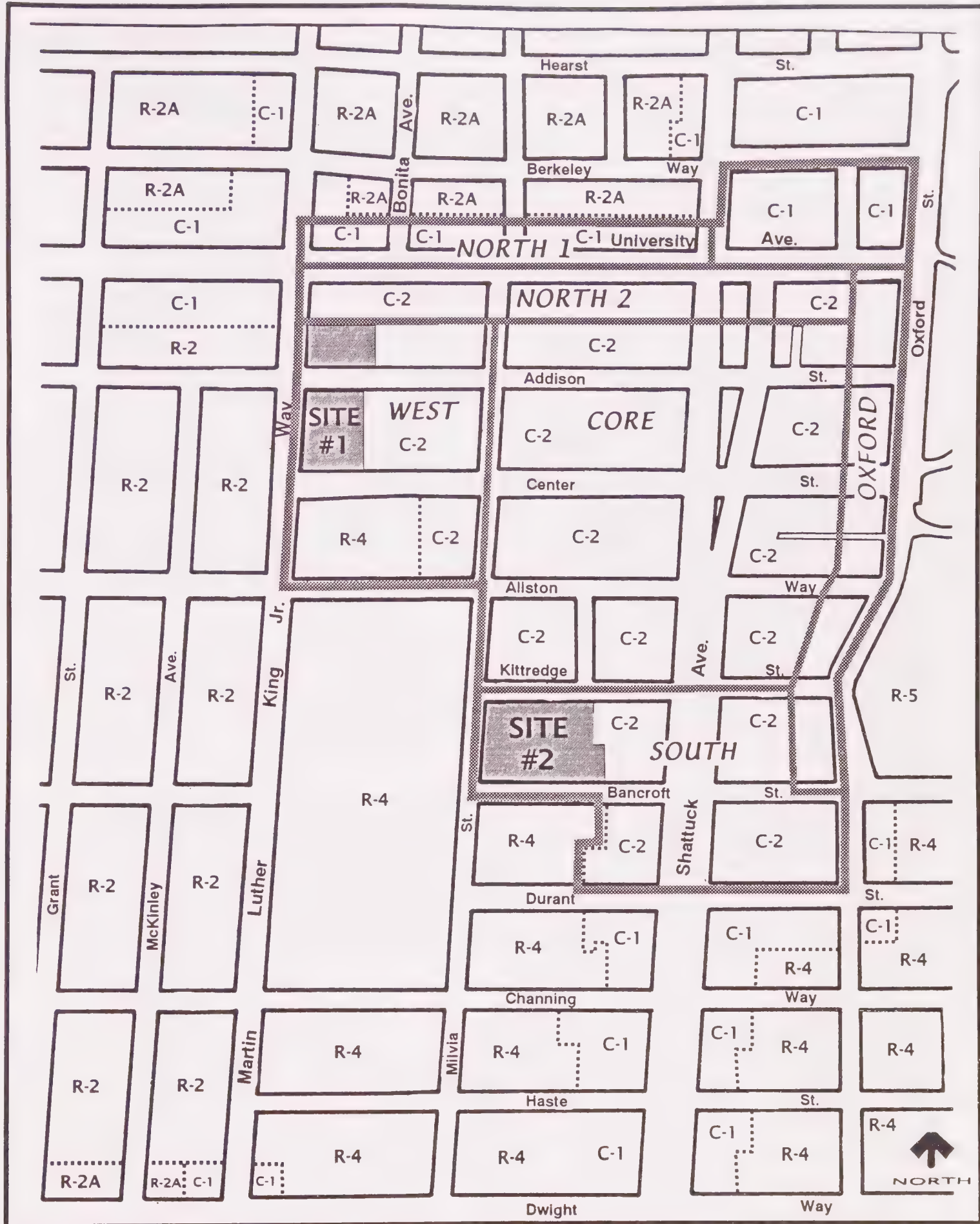
The proposed project site includes two parcels that are identified as "opportunity sites" for more intensive development. The American Language Academy and the Goodyear tire store are both underdeveloped, with large open parking areas fronting on streets that could support more intensive development. The alternative site includes one such parcel, at the YAS auto repair shop. Presumably, the auto-oriented sites also are considered candidates because the City desires to remove those types of uses from the main commercial core. The Language School site would appear to be a candidate for more intense development because it has a deep setback from the street frontage. The two parcels within the proposed project site were assumed to be developed with about 40,000 to 45,000 square feet of new development in the City's Downtown Plan EIR, to replace the existing 10,500 square feet. The parcel at the alternative site was estimated to contain about 20,000 to 40,000 square feet of new development for the purpose of analysis. Overall, the new courthouse includes 120,000 square feet, spread over several parcels. The proportional development on the opportunity sites is the same or lower than what was assumed in the City's Plan EIR.

Downtown Berkeley Public Improvements Plan and Design Guidelines. As part of the implementation program for the City's Downtown Plan, City staff and other interested parties such as the Downtown Berkeley Association have recently prepared two design programs for the downtown area. The final Downtown Berkeley Public Improvements Plan was published in June 1994. It states some general design principles, as well as specific physical improvements that should be made in the areas of street trees, lighting, parking configurations, and pedestrian areas. Implementation is outlined in a capital improvement program that identified a total of almost \$8 million over three phases, to be accomplished by public funding in participation with private development.

A second element of Downtown Plan implementation is the Downtown Berkeley Design Guidelines, which were first published in July 1994 and were adopted by the City Planning Commission in October 1994. These guidelines serve as amendments to the City design review guidelines, and address the physical environment from the perspective of historic preservation, building design, site design, signs and awnings, and special considerations such as seismic and accessibility standards. They apply to all new construction and most renovations, and are to be implemented by private development and redevelopment.

City of Berkeley Zoning. The project site is zoned by the City for Central Commercial use (C-2), which carries a height limitation of 100 feet (nine stories) and a floor-area ratio (FAR) of 6:1, subject to securing a use permit for any building with an FAR over 4:1. The Downtown Plan recommends amendments to the zoning ordinance, described below, including a height limit reduction from 100 feet to 40 feet (three stories) and an FAR reduction from 4:1 to 3:1, with an optional bonus for residential development to 60 feet (five stories) and an FAR of 4:1. One-hundred percent lot coverage is allowed in the downtown core and buffer areas, although there are suggestions for setbacks and reduced coverage after the second, third, or fourth floor. Allowed uses for the C-2 zone include all uses permitted in the R and C-1 zones, plus others listed below. Conditional uses are also listed in the zoning ordinance. These amendments have not been adopted as of this time.

Parking lots or structures for a commercial or office use with more than five parking spaces are allowed in the C-2 zone subject to securing a Use Permit. The zoning code places special controls on site development, building orientation, and external effects for non-residential buildings or properties with frontage on a block adjacent to or across the street from an "R" residential zoning district. The proposed Courthouse site is neighbored by commercial zoned property, with the exception of the Public Safety Building block and Civic Center Park. Those blocks will not be developed with residences, since they are occupied by public facilities. The alternative project site is located across the street from a residential zone that is developed with a high-density apartment building on Bancroft Way. The High School site also is zoned residential, but is fully developed as a school and offices.



DOWNTOWN PLAN AND AREA ZONING

FIGURE: A-12

A variance can be granted for a private project by the Zoning Adjustments Board to allow exceptions to requirements related to land use, height, lot coverage, yards, or parking in cases where the strict enforcement of the code would be impractical or present unnecessary hardship. Certain findings are required in order to grant the variance, including the fact that there are particular circumstances that apply, that the variance would not adversely affect the health or safety of others in the area, and that the variance would promote the public health, welfare and safety, and benefit the City as a whole. The ZAB decision may be appealed to the City Council.

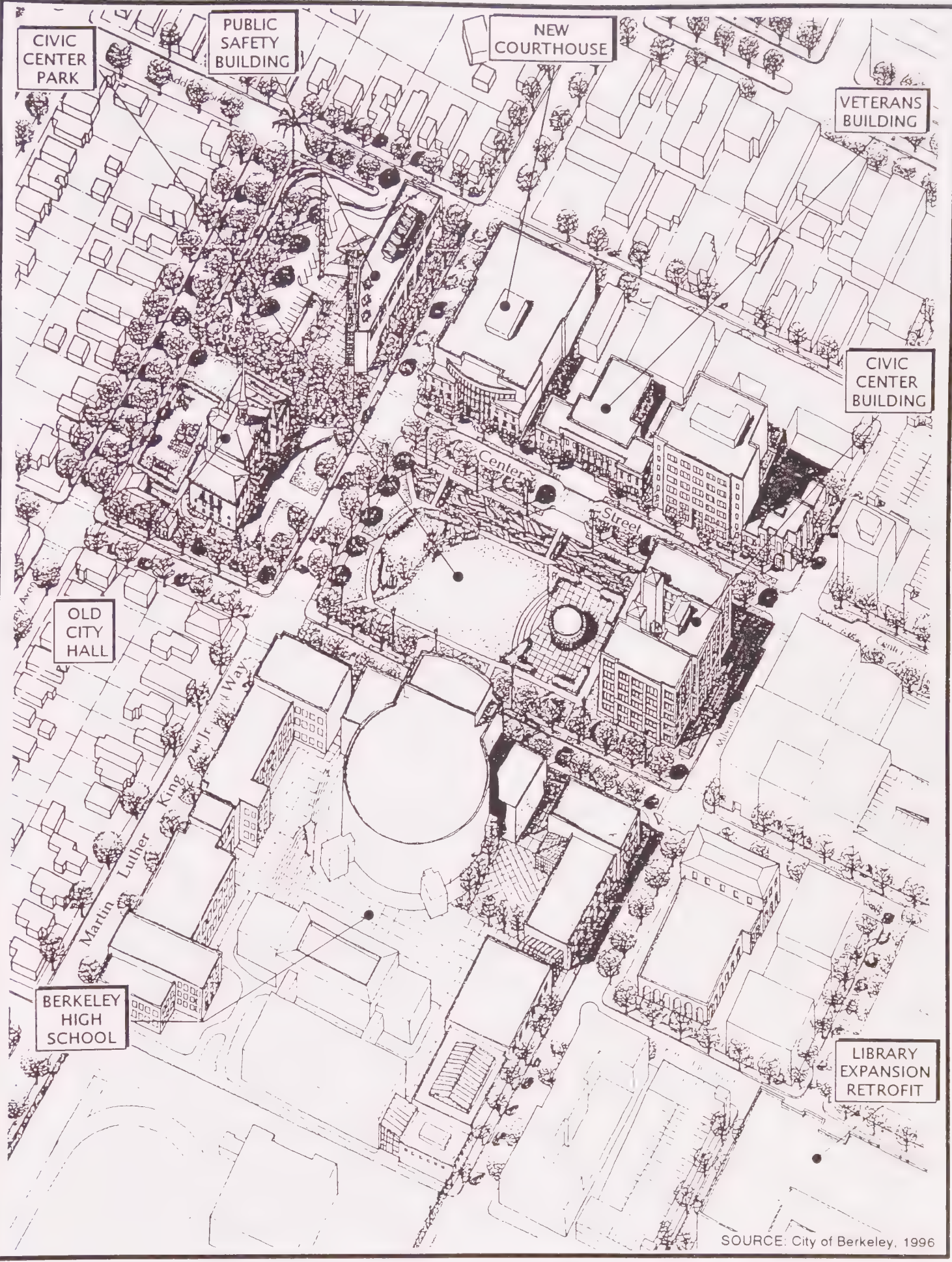
Neighborhood Preservation Ordinance. City policy discourages the demolition of residential structures. Section 5, Interim Building Demolition Regulations, of the Neighborhood Preservation Ordinance, is the City's policy regarding demolition of structures containing one or more residential units. Other sections of the Ordinance have been incorporated into the Zoning Ordinance. Section 5 requires a demolition permit for private project to be issued from the Zoning Adjustments Board, the decisions of which are appealable to the City Council, and allows the granting of a demolition permit if the City finds the following:

- That the demolition would not be materially detrimental to the housing needs and public interest of the affected neighborhood and the City of Berkeley; and
- That the developer and/or owner of the proposed construction has provided alternative housing for the residents of the structure to be demolished, and further that this relocation housing is consistent with HUD relocation guidelines, including standards for choice of housing of comparable quality and costs within the same community of the relocatee(s) so desire; and either
- That the demolition will remove a hazardous, unusable, or unrepairable structure, or
- The demolition is necessary to permit construction approved pursuant to Section 6(c)(5), and with the additional requirement that such construction contain at least the same number of housing units as the demolished structure, and, further, that provisions have been made for persons displaced by the proposed construction to have first choice in the new housing.

Rental Housing Removal. The City also has policies regarding the removal of rental units from the rental housing market, which requires a removal permit from the Zoning Adjustments Board (ZAB). These permits are required for projects subject to discretionary review by the ZAB or Planning Commission. The proposed Courthouse is not subject to discretionary review by the City. Nonetheless, the County is responsible for providing relocation assistance and has undertaken steps to facilitate the development of replacement housing.

Affordable Housing Mitigation. The City's Affordable Housing Replacement ordinance is applicable to large scale private office, retail, and/or other commercial development projects within non-residential and R-4 zoning districts. The resolution applies to private for-profit, non-profit, and public sector organizations, except as prohibited by law. In general, new construction on the scale of the proposed courthouse would be subject to a requirement to create two units of affordable housing (one for households earning 50% of median income and one for 80% of median income) for each 18,750 square feet of gross floor area, or pay an in-lieu fee of \$4 per square foot. The fee is equivalent to \$48,000 per very-affordable unit and \$27,000 per affordable unit. Exceptions are allowed if lower levels of impact are forecast, or if the mitigation is infeasible, or if there are overriding benefits of the development project to the City.

For the Berkeley Courthouse, the project would include approximately 120,000 gross square feet, which could translate into \$480,000 in fees, or the requirement for creation of 13 affordable housing units. However, the County is not subject to City zoning requirements, and several of the exception criteria apply to the project, i.e. the project has a low impact on the demand for affordable housing (also considering the low level of employment per gross square foot), payment of the fee is infeasible for this project, and the project provides overriding benefits to the City through the provision of essential State-mandated services and the implementation of the Civic Center Urban Design Plan. In addition, the County is assisting a private development of 34 new housing units of greater size and higher quality than the existing units at the sites. A conceptual plan drawing from the Urban Design Plan is shown in *Figure A-13*.



SOURCE: City of Berkeley, 1996

BERKELEY CIVIC CENTER URBAN DESIGN PLAN

BERKELEY COURTHOUSE EIR
Alameda County Planning Department, 1997

FIGURE: A-13

Demolition of Non-Residential Structures. The City has a section of the zoning ordinance that pertains to the demolition of non-residential structures, stating in part that demolition “may have profound aesthetic, cultural, and economic impacts and neighborhoods and the City as a whole.” The stated purpose of the ordinance is “to allow an opportunity for public review... and to encourages the rehabilitation of the existing commercial building stock in the City, while allowing for the demolition of non-residential structures where compelling reasons exist.”

A use permit is required for the majority of demolitions, which requires findings by the ZAB or zoning officer that the demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City of Berkeley, and at least one of the following:

- The demolition is required to permit approved new construction or other approved new use; or
- The demolition will remove a structure which is unusable... or which is uneconomical to repair; or
- The demolition will remove a structure which represents an unabatable attractive nuisance to the public; or
- The demolition is required for the furtherance of specific plans or programs sponsored by the City or other local district or authority.

In the event that the structure to be demolished is forty years old or older, the application for the use permit is forwarded to the Landmarks Preservation Commission (LPC) for review. The LPC may choose to initiate landmark or structure of merit designation or may simply forward its comments to the ZAB. Initiation begins a 70-day period during which a report on the property is prepared and a public hearing is held. Designation as a landmark or structure of merit can be appealed to the City Council. If appealed, the Council may refer the matter back to the LPC for further consideration, may affirm the LPC’s decision based on the written record and deny the appeal, or set a Council hearing for further testimony in order to decide whether to uphold or deny the appeal. The County believes that the proposed Courthouse meets several of these thresholds for allowing demolition, if the project were subject to City codes.

Landmarks Preservation Ordinance. The Landmarks Preservation Ordinance was adopted by the City of Berkeley in 1973 because: “It is found that structures, sites and areas of special character or special historical, architectural or aesthetic interests or value have been and continue to be unnecessarily destroyed or impaired, despite the feasibility of preserving them.”

The Ordinance was intended to achieve the following purposes: “1) The protection, enhancement, perpetuation and use of structures, sites and areas that are reminders of past eras, events and persons important to local, state, or national history, or which provide significant examples of architectural styles of the past or are landmarks in the history of architecture or which are unique and irreplaceable assets to the city and its neighborhoods, or which provide for this generation and future generations examples of the physical surroundings in which past generations lived. 2) The development and maintenance of appropriate settings and environments for such structures, in such sites and areas. 3) The preservation and encouragement of a city of varied architectural styles reflecting the distinct phases of its history - cultural, social, economic, political and architectural. 4) The enrichment of human life in its educational and cultural dimensions in order to serve spiritual as well as material needs by fostering knowledge of the living heritage of the past.”

The policies of the Landmarks Preservation Ordinance and the role of the Landmarks Preservation Commission are discussed in greater detail in the Historic Resources chapter of this EIR.

Parking. As part of implementation of the Downtown Plan, the City has established interim parking and transportation fees for the C-2 zoning district, which are in effect until all of the implementation actions outlined by the Downtown Plan are adopted. The fees and programs are intended to increase participation in transit use, ridesharing, and bicycling to minimize parking needs and keep critical intersections from severe overloading, while still providing for minimum parking needs. The program is also intended to decrease the economic costs

of new development and discourage the proliferation of small surface parking lots by reducing the number of spaces required, prohibiting parking lot access on main commercial streets, and providing a funds with which to build public parking garages and improvements.

The ordinance requires one and one-half (1½) off-street parking spaces for each 1,000 sq. ft. of gross floor area of non-residential new construction or additions. For the proposed courthouse, a total of 180 parking spaces would be required. Parking may be provided on-site in some cases, or may be purchased off-site, or the requirement may be satisfied through the payment of a fee to the City. For parking that is provided, preferential or discounted spaces should be given to carpools, vanpools, and the disabled. The in-lieu parking fee is \$12,000 per required space.

An additional Transportation Services Fee is established in the ordinance. It may be paid as a one-time lump sum of \$2.00 per gross sq. ft., or amortized over 30 years at \$0.20 per gross sq. ft. Bicycle parking is required at a rate of a minimum of 1 secure parking space per 2,000 gross sq. ft., which would result in a requirement for 60 spaces at the new courthouse. One off-street loading space is required for each 40,000 gross sq. ft. of new construction, which would result in a requirement for three spaces at the new courthouse.

Impacts and Mitigation Measures

For the purposes of this EIR, the project would have a significant impact on land use and planning concerns if it would:

- Introduce new land uses that would be incompatible with existing land use patterns;
- Disrupt or divide the physical arrangement of an established community;
- Conflict with established recreational, educational, religious, or scientific uses of the area;
- Conflict with adopted environmental plans and policies of the community where it is located and with jurisdiction over the project; or
- Conflict with general plan land use designations, public policies, or zoning.

Land Use Balance

Currently, the Court occupies a County-owned building on about one-quarter acre of land (10,000 square feet) owned by the City, plus leased office space on private property. The new courthouse would provide a total of about 120,000 sq. ft. of floor space, which would allow for the relocation of uses currently housed in about 30,000 sq. ft. of owned and leased space, expansion to better accommodate existing functions, and expansion to meet the needs of additional functions to be provided now and in the future. Thus, the proposed Berkeley Courthouse would result in a net increase of about 90,000 sq. ft. of gross floor area. Approximately 40 percent of the total area is unassignable, i.e. only about 70,000 square feet is designated for particular uses, with the remainder for service areas and circulation.

Impact A-1: Development of the new courthouse would require the acquisition and demolition of existing medium and low-density residential and commercial land uses, and would result in a substantial addition to the amount of land and floor area dedicated to courthouse use in the City's civic center / downtown area, which would modify the land use mix in the City and the project area. (LS)

Institutional Land Area. By acquiring and developing the new Courthouse at the preferred site, the County will remove about 1.5 acres of land from private commercial and residential use, and would put it into public institutional use. This would result in an increase of about 0.2 percent (one-fifth of one percent) in institutionally owned land area, compared to the current City-wide total of 680 acres of "Institutional" land area, which would

have essentially no effect on the overall patterns of land use in the City. The site's location in the Civic Center makes it an ideal location and would not adversely affect broad patterns of development. At the alternative site, about 2.3 acres would be removed from private commercial use and put into public institutional use. This would result in an increase of about 0.33 percent (one-third of one percent) in institutionally owned land area in the City.

Institutional Office Space. The proposed courthouse project would include about 120,000 gross sq. ft. that could be characterized as "institutional" office space. This increase would be offset somewhat by the vacancy of about 30,000 sq. ft. of existing courthouse space, including 14,500 sq. ft. of leased space that could be re-leased to commercial tenants, possibly including some of the current occupants of existing development on the project site who would need to relocate. The net increase in institutional floor area would therefore be about 90,000 sq. ft. This would increase the total amount of floor area devoted to "Institutional" office use in the Downtown Plan area by about 10 percent, and would occur in an area already occupied by a high percentage of similar uses focused around the Civic Center Park and the University of California.

The City's Downtown Plan includes data from a land use survey which showed that about 860,000 square feet of space was occupied by Institutional uses (excluding auto-related space) which represents about 23 percent of the total built space in the area at that time. "Public Office" space accounted for 455,000 sq. ft.; "Institutional Non-Office" space, such as storage, printing, and other support services, plus the YMCA and Post Office, accounted for 405,000 sq. ft. The courthouse project would bring the total for all Institutional office and non-office uses to about 950,000 sq. ft., or 25 percent of the total developed office space in Downtown.

The Civic Center Urban Design Plan is intended to provide a density of civic uses in the urban core surrounding the Civic Center Park. The County is proposing to develop the project at this location at the request of the City after numerous public meetings and consultation with numerous City officials and interest groups. The project would complete the Civic Center core by providing a major presence on a key corner that is currently a haphazard grouping of buildings and uses. Therefore, the addition of more civic / institutional office space is not considered an adverse impact.

In terms of City-wide publicly-developed floor area, the Berkeley Courthouse would be a minor addition when compared to the City's holdings, the Berkeley Unified School District's space, the University of California, and other institutions. For example, the City of Berkeley owns or occupies about 900,000 square feet of space, including the Civic Center Building which is five stories tall and encompasses about 90,000 sq. ft. of floor area. Therefore, the Berkeley Courthouse project would not have a significant impact on the City-wide balance of land use acreage or institutionally-developed floor area.

Parking Garage Development. The courthouse project would provide a maximum of about 350 parking spaces in a new garage constructed at Addison Street / MLK Way. This would be a substantial addition to the existing downtown / civic center parking supply, which is estimated at about 1,750 garage/lot spaces available to the public, and about 800 on-street spaces which are metered for public use. More than half of the parking garage/lot spaces were reserved for monthly parkers, one-sixth were reserved for short-term parkers, and the remaining one-third were available for general use. The County garage would likely be open to the public, with a certain number of spaces reserved for staff and jurors.

The Downtown Plan and the Civic Center Urban Design Plan call for additional parking to be constructed at City-owned lots and possibly as expansions of private facilities in order to meet increased demand in a land-efficient and cost-effective manner. One policy of the Downtown Plan was to develop a parking facility in the West buffer area (the proposed project area) in order to alleviate much of the residential parking impacts west of MLK Way. Therefore, the project is not considered an adverse addition to the area. The parking garage site was identified as an "opportunity site" suitable for more intensive development, so this project appears to satisfy several goals and needs for the area.

The proposed parking garage would occupy about 25,000 square feet of land area, and would have a total floor area of about 100,000 square feet. This would represent an increase of about 20% over the existing 550,000 square feet of public and institutional parking in the downtown area, bringing the total to about 650,000 square feet, equivalent to about 17% of all downtown land use.

At the alternative site, the project would replace the majority of the existing parking at the site and add parking to meet increased demand for the Courts. The intensification of parking activity would be accompanied by the intensification of courthouse activity at the site. The effect would be a more compact and efficient land use pattern for the southern edge of the downtown plan area, which was contemplated as part of the Downtown Plan and the Civic Center Urban Design Plan.

As such, the project would increase the density of development in the downtown, which already provides a pedestrian-oriented environment in which surface parking lots are relatively uncommon, and more intensive use of land for offices, retail and housing is continuing to occur. The addition of one parking garage, to serve the needs of a major activity center and to alleviate spill-over effects on neighborhood residents, is considered less than significant in terms of the change in land use. This conclusion is based in part on the City's policy to encourage the development of parking garages to the maximum height and density possible in order to minimize their effect on overall land use.

Together, the courthouse building and parking structure would encompass 220,000 sq. ft., representing about 5 percent of the total space in the Downtown area; the net increase in floor area after subtracting the developed floor area at the site would be about 175,000 sq. ft. This space would provide additional employment, public services, and parking that is a necessary function of government and can contribute to the activity in the downtown by bringing people to the area for direct employment, spin-off services related to court activity, and jury and visitor patronage in the area. The Courts provide services of a nature that are typically found in the central city, and contribute to the idea of a central place for civic activity. Additional urban design and economic aspects of the project are discussed in other sections of this EIR.

Mitigation Measure A-1: None required.

Neighboring Land Uses

Impact A-2: The project could be incompatible with the immediately adjacent residential, commercial, and institutional facilities. (LS)

The new courthouse would introduce a higher density and different type of development at the site than currently exists, which would alter the interface between the site and neighboring development. By introducing a multi-story institutional (court and office) structure and a multi-story parking garage, the site's use would be intensified to an extent that many more people would be present on a daily basis, more pedestrian and vehicular traffic would occur in the immediate vicinity, and some additional economic activity may occur in the project vicinity to respond to the demands of the court, employees, and visitors.

Proposed Site

Center Street between Martin Luther King Jr. Way (MLK Way) and Oxford Street is a major pedestrian corridor between the Civic Center, downtown, BART, and the University of California. The Project would have its main entrance at the western terminus of Center Street, across the street from the new Public Safety Building and the Civic Center Park. The project would have vehicular entrance to the basement of the Courthouse, sallyport, and new parking garage from Addison Street.

The primary effect of the project on adjacent land uses would be the proximity to residential uses. There is a 20-unit apartment building located at 1912 Addison Street, immediately adjacent to the proposed sallyport entrance. This building is two stories tall and occupies the majority of the land area; there is no off-street parking and very little yard space. The entries to the apartments all face the rear side of the proposed courthouse. There may be concerns about the degree of liveability of these apartments during and after Courthouse development due to the noise, dust, activity levels, and shadow effect of the new courts on this building, which was built in the 1950's and continues to serve as affordable studio apartment housing. These impacts are addressed in the Noise and Air Quality sections of this EIR. The findings support the conclusion that the apartment building would be adversely affected during construction, but that adequate mitigation measures are available to reduce the impact to an acceptable level.

The Veteran's Memorial Building is adjacent to the project site on Center Street and could be affected by the development of the new courthouse. The Veterans building is currently operated by the City as a historical society museum, homeless shelter, and general assembly areas. The City may also begin operating other service agency types of activities out of the building. The Courthouse would be directly adjacent to the western parking lot and the museum. Noise during construction could affect the operations of the museum, but mitigation has been proposed elsewhere in this EIR to address this temporary impact.

The proposed parking garage would be adjacent to several apartments at MLK Way/University Avenue, and offices at the Promenade and other developments near MLK Way and University Avenue. These land uses are generally compatible with the proposed development, and would likely be buffered by a solid wall built at the property line as part of the parking garage structure. Several windows currently look out from the 1900 University Avenue building across the site of the proposed garage. These would not be completely blocked, but the view would be towards a block wall instead of across the existing tire store property. Similarly, the adjacent offices have patios and walkways that currently face out across the site and would be blocked by construction of the garage. However, these areas are set back from the property lines and have solar access from above, so this is not considered a significant land use incompatibility.

In general, the operations of the courthouse would not conflict with any of the current or future uses of adjacent lands. The sites would be separated by a fence or wall to preclude entry into the sallyport corridor, and the main building would be set back approximately ten to fifteen feet from the side property lines. In addition, the Courthouse project, in and of itself, is not substantially different from other development by a private or public entity that could occur on one or more of the site properties under existing zoning and in implementing the Civic Center Urban Design Plan. Any such use would have similar impacts on adjacent land uses.

The proposed Courthouse's location directly across the street from the City's proposed Public Safety Building would offer several efficiencies compared to the current courthouse and the alternative site. For example, the County and City are evaluating the potential for a tunnel under MLK Way to connect prisoner holding facilities, and possibly for staff use as well. This would eliminate the need to walk prisoners across parking lots, as currently occurs, or drive them across the street to the new courthouse. The new courthouse and PSB are both expected to have the capacity of video arraignment, as well. However, if a defendant desires to appear in court, that could be accommodated with the tunnel. Officers are routinely asked to appear in court, and would be able to travel between the facilities more easily in this location, with or without the tunnel.

The expansion of the Courthouse to include Superior Court functions is likely to increase the level of activity at support facilities such as attorney's offices, photocopy shops, and other retail services. This impact is considered beneficial, as it would support the City's on-going development interests for downtown. Similarly, the project site's proximity to the "arts district" along Addison Street is not considered adverse due to the distance between the formal theater area and the project site, with several intervening parcels and changes in development character

along Addison Street. The proposed parking garage could actually support the art's district by providing additional parking capacity in the evening and on weekends.

Alternative Site

Kittredge Street between Milvia Street and Shattuck Avenue is a major pedestrian corridor for Berkeley High School students traveling between the High School and the Shattuck Avenue area, where facilities such as transit, a public plaza, the main library, and shopping are located. The Berkeley Public Library has its entrance on Kittredge Street just east of the project site, and Armstrong University is located just north of the site and has its entrance near the corner of Harold Way and Kittredge Street. All of this day-time activity would require sensitivity on the part of the Courts to the interactions of the vehicular and pedestrian circulation paths.

The proposed courthouse and parking garage would occupy the majority of the project site; however, a public plaza will be provided in the area between the Courthouse and Library near Harold Way. This plaza would serve as part of the Court's main entrance and as a buffer between the project and the Library. The library's west-facing windows would also be provided with light and air by this plaza. If the Library pursues expansion, there is adequate room in this plaza to meet the draft program needs as presented in public workshops during preparation of the Civic Center Urban Design Plan. Therefore, no adverse impact on the use of the existing library or possible expansion is expected.

Mitigation Measure A-2: The final site plan and design of the project could be circulated for review by owners and occupants of neighboring properties to ensure consideration of issues related to land use compatibility during construction and operations.

Demolition and/or Relocation of Existing On-Site Uses

Impact A-3: The project would require the removal of existing structures and occupants at the site, and possible relocation of those uses and tenants to other sites in the downtown or elsewhere in the City. (LS)

The proposed courthouse project would require the removal of all of the existing land uses at the project site. At the preferred project site, these include a 16-unit apartment building, a PG&E customer service center, a language school, and a vacant office building on the main block, plus a tire store, offices, and 12-unit apartment building on the parking garage block. At the alternative site, existing uses to be demolished and/or relocated include the parking garage, parking lots, auto repair shop, restaurant, motel, and office.

The County is preparing a Draft Relocation Impact Document, and will implement a Relocation Assistance Program (RAP) in accordance with State law (Govt. Code §7260 et seq). These documents can take one of two forms: Relocation Impact Statements, or Relocation Impact Reports. The Statement is used for uncomplicated projects; the Report is prepared for more complex projects or when there are special problems. In either case, the objective of the documents is to supply the organization responsible for site acquisition with information related to the scope of relocation requirements so that an informed decision can be made. This information may include timing considerations, relocation phasing, special problems, and general relocation alternatives. It is not the purpose of these documents to evaluate the broad impact of the relocation assistance program as it affects the community, but only to provide data to the impact analysis team.

Relocation impact documents are prepared at two intervals during the planning stage of a project: prior to the draft environmental document (this EIR), and prior to any property acquisition activities (which may occur after the Final EIR is certified). Both relocation documents will, as a minimum, address the amount and type of

residential and non-residential displacement, current and anticipated availability of relocation resources, and any specific relocation problems.

Preferred Project Site

Development of the preferred site would not result in permanent changes to land use patterns or the viability of land uses in the vicinity. Each of the existing uses can be relocated to existing space or replaced elsewhere in the general downtown area, utilizing acquisition and relocation funds provided by the County. Although vacancy rates appear to be going down in the downtown area, there is still sufficient space to relocate tenants of existing on-site buildings to other facilities in the same general vicinity. The City of Berkeley has begun leasing space for relocating its own employees from the Civic Center Building, due to seismic safety concerns. This and other increases in demand may change the lease fees as vacancy continues to decline. Relocation assistance includes consideration for the difference in cost over time.

The American language Academy includes classrooms, offices, and general gathering space, which can be found elsewhere in the area as evidenced by the presence of other language schools, testing services, and other similar uses. The PG&E service center is essentially a bank/office type of use, which can also be located in the general area without difficulty. Other offices at the proposed parking garage site will similarly be able to find space in the area. The Framat Lodge building is currently empty, so no tenants would be relocated. In all, about 21,500 square feet of occupied office-type space would be demolished; the assumption is that the majority of the tenants would desire to relocate within the immediate vicinity. The County will be vacating about 14,000 square feet of leased space upon occupancy of the new courthouse; this would theoretically provide new available space equivalent to about two-thirds of the demand for relocation. Therefore, the impact of relocating tenants within the immediate area is not considered significant.

The tire store on Addison Street may not be able to relocate within the immediate downtown area, but could probably find space in the San Pablo Avenue corridor or other appropriate auto service areas. The use may also simply be removed from the market place given the high number of other similar uses in the community. The County will investigate this issue further when property acquisition efforts are undertaken.

The 16-unit apartment building on Center Street and the 12 units on Addison Street are subject to oversight by the City's rent control board, and so are generally more affordable to existing tenants than housing units that are new on the market or have been vacated and had rents adjusted upward. Therefore, the County will offer to provide the necessary moving and rent subsidy payments as required by State and federal law. The County has already undertaken steps to facilitate the development of replacement housing units for those that would be removed from the project site, through the provision of a start-up loan of capital necessary to develop a City-approved 34-unit housing project on University Avenue, less than one-half mile from the project site. Twenty six units are considered "excess" replacement units, since the site originally had eight units on it. These "credits" have been allocated to the County for consideration as replacement units for the Courthouse project. Twenty percent of the units will be designated for affordable rents, based on the City's zoning code requirements. Even some of the market-rate apartments could meet the definition of "affordable" based on average income levels and other factors. The County intends to offer existing tenants at the project site first choice in occupying the new housing units on University Avenue, if the timing of the projects coincides.

The City's overall housing stock would not be adversely affected by the removal of 28 housing units. In addition to approximately 725 existing housing units in downtown, several new retail/apartment/condominium projects have been constructed recently to provide a net increase in residential units in the downtown area. Other projects are anticipated as a result of incentives provided by the University Avenue Plan and Downtown Plan. The City has a total of about 46,000 housing units, of which about 10,000 are within large multi-unit structures similar to those that would be demolished. Although the project would remove several of the last remaining apartments

in the central civic center area, there are hundreds of apartments, duplexes, and similar housing opportunities immediately to the west and north of the civic center which are not anticipated to be affected by any public or private development in the foreseeable future. Therefore, the loss of 28 housing units at the project site is not considered significant.

Alternative Site

Development of a new courthouse at the alternative site would result in the demolition and possible relocation of a motel, restaurant, auto repair shop, and three parking lots. The motel and restaurant are somewhat marginal uses, in that they are located in older, suburban-style buildings and are not on the main commercial streets of the downtown and civic center. The auto repair shop serves the local community needs, but also is not entirely in keeping with the civic uses in the immediate vicinity. Relocating these uses or eliminating them from the community (if the owners/tenants choose not to re-establish the business after County purchase) would not result in a significant impact on the community.

Development at the alternative site would also cause the loss of use of the existing parking garage and parking lots. One parking lot is used by the US Postal Service for parking about 40 small mail delivery trucks. These trucks would need to be parked elsewhere as a result of the project, possibly in leased spaces at existing parking garages or at the new County parking garage that would be on the same site. A public parking lot with space for about 60 vehicles is located on Bancroft Way and would be removed from use with the project. These spaces could be incorporated into the County garage to provide no net loss of public parking, or the demand could be absorbed elsewhere in the area. No formal relocation of the parking lot use is warranted.

The main relocation impact relates to the loss of use of the 350-space parking garage formerly known as the Hink's garage. This could result in congestion and spill-over parking demands on neighboring residential streets because other parking facilities in the area are already approaching capacity. The loss of this parking could also affect downtown businesses to a some extent due to the lack of other parking options within the retail core. In general, the long-term effect could be reduced by incorporating sufficient parking into the new County garage to replace the existing parking and meet the new demand at the courthouse. However, a substantial amount of temporary parking would be needed during construction. These effects and mitigation measures are discussed in more detail in the chapter III.E of this EIR.

Mitigation Measure A-3: The County will implement a Relocation Assistance Program (RAP), which will address the amount and types of residential and non-residential displacement, availability of relocation resources, and any specific relocation problems.

Relocation of Existing Court Functions from Other Sites

Impact A-4: The project would require the relocation of court uses from the existing courthouse building on land leased from the City, and in leased private office buildings in the Civic Center area, to the new Courthouse. (LS)

The relocation of the existing courthouse building from the current site on City-owned land will provide an opportunity to implement the City's draft Civic Center Urban Design Plan. The Plan illustrates the possibility of providing more public open space and a buffer between the civic center/downtown area and the neighborhood to the west. The existing County courthouse will most likely be demolished after it is vacated, which will leave a clean site for the City to use for a public entrance to the new Public Safety Building and as a park/buffer.

In addition, the County will vacate leased office space currently used by the County as trial court space, offices, and traffic court. This will provide opportunities for other tenants to locate in the central downtown area. The office space is located at the corner of Center Street and Milvia Street, near the City offices, BART, and the new Courthouse site, and is of sufficient size that it could be desirable to a range of tenants. As mentioned above, it would make available the equivalent of about two-thirds of the occupied space that would be demolished at the project site. The County will serve out the term of its lease or reach a suitable agreement with the lessor, and the space will then be available on the general market. The office market in central Berkeley is apparently seeing an increase in lease-up activity, based on reported vacancy rates. Therefore, the effect of this vacancy by the County is not significant.

The County will eventually increase operations at the new Courthouse, which could increase demand for office space for attorneys and other services related to court activity. It is assumed that additional office space will be leased or built to accommodate this demand, within the provisions of existing City land use plans. The City plans include incentives for mixed retail/office/residential development, with several projects already completed or in the planning stages. Therefore, no adverse impact will occur on the occupancy of downtown office space due to the County Court's relocation to a new facility in the Civic Center.

Mitigation Measure A-4: None required.

Downtown Plan and Zoning Conformance

Impact A-5: The project's height would exceed City zoning height limits, which would normally require increased setbacks and/or City approval of a variance, and the project would normally require a use permit for development of the parking garage. (S)

As stated in the Setting section, above, the County is exempt from the local land use laws of the City, including building, zoning, and planning policies and regulations. The County is nonetheless considering the City's land use regulations for the site as a means of evaluating the project's impact on overall land use patterns and goals for the downtown. Also included in this consideration is the Downtown Berkeley Public Improvements Program, Downtown Design Guidelines, and Civic Center Urban Design Plan.

The project would not exceed the standard 100-foot height limit established for the C-2 zone throughout downtown. However, the City's special zoning for commercial/residential transition zones (40-foot or 3 stories height limit and 3:1 floor-area-ratio), which applies to both of the project sites, would be exceeded by the main courthouse building, and possibly by the proposed parking garage. At this time, the project is estimated to be between 60 and 70 feet tall, plus a mechanical penthouse, and the parking garage could be between 35 and 50 feet tall, depending on the site and number of spaces to be accommodated.

The Downtown Plan also includes a density / height limit bonus up to 60 feet for projects that include housing. Although this project does not include housing, it would appear that a height up to 60 feet is acceptable to the City under certain circumstances, as when overriding public benefits are provided to the area and the design is compatible with the surroundings. In addition, numerous existing buildings immediately around the Civic Center Park are in excess of the 40 and 60-foot height limits.

Mitigation Measure A-5a: (Civic Center Site) Schematic floor plans and design plans could be submitted for review and comment by staff of the City of Berkeley to ensure coordination with the new Public Safety Building, overall design goals for the Civic Center, and zoning provisions regarding height and bulk.

Mitigation Measure A-5b: (Hink's Garage Site) Schematic floor plans and design plans could be submitted for review and comment by staff of the City of Berkeley, Public Library, and School District to ensure coordination with library and high school retrofit/expansion projects, overall design goals for the Civic Center and Downtown, and zoning provisions regarding height and bulk.

Mitigation Measure A-5c: The main building height could be reduced through a reduction in individual floor-to-floor heights during design development, if it appears warranted and if it would not unduly compromise the function, aesthetics, or cost-effectiveness of the project.

Development Fees and Other City Programs

The City's development fees, such as parking, transportation, affordable housing, and child care, are not applicable to the proposed County courthouse project. The County is proposing to mitigate impacts through the provision of a new parking garage, the encouragement of transit use, relocation assistance, and an on-site child waiting area. The County will also provide appropriate funding to install a traffic signal as mitigation for increased congestion at the intersection of Addison Street / MLK Way. Therefore, no significant impact would occur.

Demolition of the existing uses at the project site would meet the City's criteria for demolition of residential and non-residential structures. In particular, the demolitions are necessary to fulfill the larger goals of the community, to implement a project included in the Civic Center Plan, and that would not be detrimental to the local and City-wide community. The development pattern created over the past 40 to 70 years at the project site has resulted in a wide range of uses consolidated into a compact location, with no coherent design, use, or activity pattern, and inadequate parking, open space and buffering. The new Courthouse will provide a final consolidation of these parcels into a single development site with a prominent civic use on the Civic Center Park. This is considered an overriding benefit of the project.

Chapter III.B - Urban Design

Existing Setting

Urban Design and Visual Context

General Area. The historic context in the downtown area is described in more detail in the Historic Resources section of this report. The downtown is Berkeley's primary commercial center, although there are numerous neighborhood commercial areas, commercial corridors, and industrial areas being redeveloped into commercial centers of their own. Even so, the downtown area is developed with a high density of older buildings, built between 1900 and 1950, which lend the area a character and intensity of use that is generally attractive to pedestrian activity. Combined with good transit accessibility, student activity related to the University of California, and the general activity around other institutions and commercial/financial services, the downtown area is seeing a resurgence of activity following the general State-wide recession of the past few years.

Within the downtown core, the development has a historical pattern of office and residential use above ground floor retail shops, with regular spacing of windows and doors, central corridors for accessing the upstairs, and limited interruptions to the street front facade. Service deliveries are typically from rear alleys, and few open parking lots front on the main streets. Small and irregular lots provide a mix of uses and styles within the cohesive whole of these blocks, retaining the scale of the area as compared to larger aggregations of parcels that characterize more suburban environments.

Center Street provides a pedestrian connection between the downtown and University of California. The street has been identified by the City for its potential to be enhanced and developed as a more attractive pedestrian environment. As it is, the current pattern of development includes numerous interruptions to the scale and activity, including empty lots, incongruous neighboring buildings, poorly remodeled storefronts, and parking garages with little ground-floor activity.

At the foot of Center Street is the Civic Center park and related civic buildings, including the existing courthouse, and the proposed County Courthouse and City Public Safety Building. In general, the buildings around the park provide a sense of civic presence, even though the actual occupancy, pedestrian traffic, and lack of regular outdoor events do not generally convey this sense of importance. The main users of the area appear to be high school students and transients, and the landscaping and other design elements of the park do not appear to be in keeping with the original intent for the park as it was originally designed in 1908. This leads to a sense that the park area is actually less used and less important as a place for the entire community. Nonetheless, the concentration of "monumental" buildings does hold the potential for creating a more formal, yet inclusive, design.

The City has established several goals for the area and undertaken the Civic Center Urban Design Plan in an effort to rectify some of these issues. For example, Center Street is wider than most streets immediately adjacent the park, separating the park from the buildings on the north side of the street. The City has proposed narrowing the street by widening the sidewalk along the north side and adding street trees. This would provide a better pedestrian environment on the sidewalk, would bring the park out toward the buildings, and would enclose the park more. The proposed site of the Berkeley Courthouse is the last group of parcels that face the park yet are not developed with formal civic structures.

Project Site. The project site is developed with a set of buildings which add to the diversity of structures, but do not necessarily enhance the civic character present in the area. There is an apartment building, a PG&E service center, a language school, and a vacant office building. The two-story (30 feet tall) apartment building was constructed in the 1920's, and has a handsome presence on the street, but does not conform to the more grand scale of the streetscape along Center Street. The one-story (25 feet tall) PG&E building was constructed in the 1950's, and provides a minor anchor to the important corner of Center Street and Martin Luther King Jr. Way, and there is a parking lot that wraps around the back of the building and separates it from the neighbors. The design includes a weak mimic of the substantial columns at the Veteran's Building and City Hall. The language school (two stories, 25 feet tall) was also constructed in the 1950's and is set back from the street so that the only visible street frontage on MLK Way is of a six-foot tall wood fence and parking lot. The office building at MLK Way and Addison Street (Framat Lodge) is the most notable building on the project site. It was built in 1927, is three stories (45 feet) tall, and has an attractive brick exterior. However, the building requires substantial seismic retrofit work, and has been remodeled on the interior. Photos of existing development at the site are provided in Chapter II, Project Description. Photos of neighboring buildings are provided in Chapter III.A, Land Use and Planning.

The site of the proposed parking garage does not face on the Civic Center Park and is not included in the City's Civic Center Urban Design Plan area. It is occupied by several commercial and apartment buildings with no notable design features. A small house from the turn of the century, converted to offices, is the only building of note, and it does not relate to the other buildings in the immediate area.

Properties adjacent the project site and civic center park are developed with the Veteran's Memorial Building (1931 Center Street), the Farm Credit Building (now ETS, at 1947 Center Street), the Federal Land Bank Building (Civic Center Building, at 2180 Milvia), the Community Theater/Little Theater/Science Building (at the High School campus on Allston Way), and the Old City Hall (now occupied by the Berkeley Unified School District, at 2134 Martin Luther King Jr. Way). These buildings were constructed between 1908 and 1950. They hold together as an identifiable core based on adherence to basic design principles, use of similar materials and neutral colors, and simple yet attentive massing and detailing. Heights of these buildings vary from about 45 feet for the Veteran's Memorial and Science building, to about 80 feet for the Civic Center Building and Community Theater, to about 115 feet for the ETS Building. These varying heights are unified in part by a common cornice line, regular window patterns, and central entries, as well as substantial street frontage (150 to 200 feet) which compensates for the height of the taller buildings.

The park is in the center of these buildings, with a gentle downslope from east to west. The block is about 260 feet wide and 600 feet long, with the Civic Center Building located on the eastern portion of the block. The YMCA, Post Office, Elks Lodge, Armstrong College, and other noted historic structures are located just to the east toward the downtown core, providing a transition between the civic center and the commercial center.

Other buildings in the area on Addison Street and MLK Way include a new three story (45 feet tall) office building that extends through the block to University Avenue, a two-story apartment (20 feet tall), a two-story office building (25 feet tall), and several auto repair shops. The streets are generally provided with street trees that have matured and provide some shade and enclosure. Landscaping around Old City Hall and the Civic Center Building has become overgrown and blocks views of the buildings, and landscaping in the Civic Center Park seems somewhat incomplete or inappropriate. Photographs of these buildings are provided in Chapter III.A, Land Use and Planning.

Alternative Site. The alternative site is similar to the project site, in the sense that it is assembled from a group of parcels with a loose pattern of development that has no consistent form, no notable design features, and serves a mix of uses that do not necessarily belong at this location. The largest building is actually a parking deck over a ground floor level of parking. The steel frame structure is open and yet dark because it extends the full depth

of the block, from Kittredge Street to Bancroft Way. The remaining buildings are all single-story, including a motel at the corner of Bancroft Way and Milvia Street, a restaurant along Milvia Street, and an auto repair shop at Milvia and Kittredge. The motel and restaurant are built to the sidewalk, providing some enclosure to the street, but the auto repair shop is set back with a parking lot in front. Neighboring development is more notable, including the Public Library on Kittredge Street, Armstrong College on Harold Way, the US Post Office on Allston, and the Pasand Building on Bancroft Way. These buildings exhibit a design character that is befitting of the Civic Center area, with concrete/stucco exteriors, arched and divided lite windows, and pillars or columns.

The Berkeley High School campus is located to the west, with a landscaped parking lot adjacent to the alternative project site. There is limited landscaping along the adjacent streets. The Downtown core is located immediately east of the site, with a more intensive development pattern of shops, offices, apartments, and streetscape improvements. This portion of Milvia Street has a particularly low density of development because of the presence of the high school campus, including a gymnasium/pool to the west and tennis courts to the east of Milvia Street, as shown in Chapter III.A, Land Use and Planning.

City of Berkeley Policies

Berkeley Downtown Plan. In 1990, the City of Berkeley adopted a Downtown Plan. That Plan documents the existing land uses, businesses, population, and character of the area, and established goals, objectives, and policies that include recommendations for amending the zoning for the area, transportation improvements, environmental protection, and design guidelines. The County is not specifically subject to the City's land use plans, but has considered the City's plans in designing the project.

Objectives for Historic Preservation and Urban Design expressed in the Plan are as follows:

- Provide continuity between the old and new in the built environment. Retain the scale and the unique character of the Downtown.
- Strengthen the Downtown's identity, image and sense of place.
- Improve the visual and environmental quality of the Downtown, with an emphasis on the pedestrian environment.
- Enhance and improve the physical connection between Downtown and the surrounding neighborhoods and institutions.

The project site is located in the Civic Center / West Buffer area as designated in the plan. This area is different from the downtown core in several respects, as described above. The alternative project site is located in the South Buffer area, off of the main commercial streets, surrounded by a mix of commercial, civic, residential, and educational uses. Both of these areas have new height limits established as part of the Plan, which are more restrictive than the normal C-2 zone. A three-story (40 feet) limit would apply to most private projects, with a potential bonus up to four stories (60 feet) if the project includes residential units.

The Downtown Plan also recommends the identification of key gateways that lead into the downtown, and special design treatments at these locations. Although the Plan does not specifically mention the Civic Center area, it is logical to extend the concept of gateways to the Civic Center as the western gateway to the downtown and as an entity in itself. This concept appears in the draft Civic Center Urban Design Plan, which specifies "build-to" lines for both sides of the Addison Street / MLK Way intersection which would define the edge of the street and provide a set of civic buildings that establish the character of the area. The City's new Public Safety Building is intended to address this condition; the Berkeley Courthouse site is located on the other side of this gateway.

Downtown Berkeley Design Guidelines. Adopted in 1994, the City of Berkeley prepared design guidelines to implement the objectives and policies of the Historic Preservation and Urban Design Element of the Berkeley Design Plan. The Guidelines address how to modify existing buildings and construct new ones in a manner which

further the goals and objectives of the Downtown Plan. They also describe the sequence of City reviews and approvals that would normally be required of a private project.

The Guidelines are broken down into three categories: those which apply to landmark buildings, to significant buildings, and to all buildings. Landmark and significant buildings are given particular attention to preserve these important assets of the downtown through accurate restoration and sensitive development. Although the Guidelines stress the retention and enhancement of the historic character of Downtown, they also leave open the option for new ideas or departures from the guidelines, so long as the design contributes to the overall image and historic context of Downtown Berkeley.

New construction under City jurisdiction is normally subject to review for conformance with the full list of topics covered in the Guidelines. These include:

- Building design: facades, roof forms, storefronts, materials, details and ornament, colors, lighting, security and equipment, and special historic features.
- Awnings and canopies: awnings, canopies, and marquees.
- Signs and graphics: all signs, wall signs, projecting signs, window signs, awning/canopy/marquee signs, murals, and banners.
- Site design: frontages and setbacks, height, open spaces, and parking and loading.
- Special sites and buildings: important vistas, corner sites, civic buildings, parking structures, and parking lots.

Recommendations for civic buildings state that new civic architecture should have a stately presence, should communicate a sense of permanence and stability for the community, and should be inviting to the public. Civic buildings should be located near public transit, on prominent sites, or as part of the Civic Center. Civic buildings can be identified as important sites through the use of appropriate setbacks, forecourts, lawns, or other architectural and landscape devices. The Plan states that new construction in the Civic Center area should maintain the cultural character and scale of the area, with compatible massing, proportions, and materials, and should respect the sense of enclosure around the park.

Also relevant to the Courthouse project are guidelines for parking structures. Because parking is at a premium, the City states that parking structures should be built to the maximum allowable height, ideally located outside of the downtown core. Parking structures should be located underground or behind buildings, or incorporate pedestrian-oriented features. They should be designed as assets to the downtown, incorporating various design elements such as articulation, facades with a base and upper facade that respects the historic character, proportions and rhythm of downtown buildings, and use materials, details, and colors compatible with neighboring buildings or nearby landmark and significant buildings. Pedestrian safety, access, and security are also addressed, as is light and glare at neighboring properties.

Downtown Berkeley Public Improvements Plan. The Downtown Berkeley Association published a report in June 1994 that identifies goals, provides an analysis of existing conditions and framework for improvements, specific proposals for areas and segments of the downtown, and a proposed phasing and cost schedule. This plan was prepared as an adjunct to the City's Downtown Plan and Design Guidelines.

Principles from the Downtown Berkeley Public Improvements Plan include:

- The parts of the downtown should be articulated so that they make a distinct and memorable place.
- The downtown must be enjoyable, safe, and accessible for pedestrians.
- The downtown should be well maintained with trees that are well located and pruned carefully.
- Lighting should be thoughtfully designed to enhance safety and help create a sense of place.
- Street furniture should be comfortable, sturdy, open, and airy.

Several urban design resources are identified as being underutilized: the central location and natural focus of activity with major travel corridors and activities that bring people into it; a street pattern that creates a distinct location due to its interruption at Shattuck Square; the number and density of historic buildings that provide a definite urban character and sense of civic purpose; and a set of green spaces at the University campus to the east and the Civic Center park to the west that also impart an institutional presence.

The Improvements Plan offers designs for five geographic sub-areas to address specific issues and provide appropriate designs for public amenities. All of them relate to sidewalks, street trees, and lighting. Parking structures are also specifically discussed through a general concept of improved signage, entries, facade improvements, and bicycle and pedestrian facilities to form a complete circulation network. Lighting is recommended to be provided by shorter light standards that cast a more dense and uniform light along sidewalks and parking areas. Lights would be spaced closer together in key public spaces such as in front of City Hall and the Post Office. Street tree recommendations include the use of deciduous trees to provide seasonal color and better light in the winter, with evergreen and flowering shrubs for year-round color. Coordinated street furniture is recommended to provide a "light-handed" general standard, with special features at key locations.

The Improvements Plan also refers to several improvement needs around the Civic Center Park, including more street trees, lighting, and a wider sidewalk along Center Street, and civic entries to the park from MLK Way, Allston Way, and Center Street. There also is a concept presented to open Strawberry Creek as it passes through the Civic Center Park, although the creek is quite deeply buried at this location.

Specific improvements relevant to the alternative project site area include pedestrian scale lighting along Kittredge Street and Bancroft Way, and presumably street tree improvements consistent with other similar streets. The Courthouse project site is near the BART Plaza at Center Street and Shattuck Avenue, and Havens Plaza at Shattuck Avenue and Kittredge Street. These areas are slated for improvements that show a sense of design and place. Some ideas for the Havens Plaza area also were expressed in a public workshop as part of the Plan's preparation. These include more lighting near the library, a youth center, a performance space at Shattuck and Kittredge, and recognizing the courthouse as a possible future neighbor.

One of the changes recommended in the Improvements Plan that has a potentially adverse effect on the alternative site for the Berkeley Courthouse is the concept of a bus stacking area along Harold Way. While the intent is to create a pedestrian-friendly environment at Center Street, it would destroy the quiet pedestrian environment on Harold Way, which appears particularly narrow due to the solid wall of buildings built at the property line on the west and east sides, and due to the street's short length and enclosure on both ends by additional buildings. The Courthouse project at the alternative site would be located to the west of Harold Way, with a public plaza located at the terminus of Harold Way as a buffer between the Public Library and Courthouse sites.

Impacts and Mitigation Measures

Significance Criteria

For the purposes of this EIR, the proposed project would have a significant adverse effect on visual resources if it would:

- Substantially degrade the existing visual quality of the site;
- Substantially alter the character of the area;
- Eliminate or obscure identified visual resources; or
- Conflict with applicable design and preservation goals.

Analysis Framework

CEQA recognizes that providing a firm definition of significant effects is impossible, since the physical setting of a proposed project and public opinions regarding significance may vary. This is particularly true when considering visual impacts. The following factors provide a framework for evaluating the visual impacts of the project.

Visibility. Views of the site are more or less sensitive to change based on distance from the site, the prominence of the site in the overall context, and the intervening development or topography that may block the site from view. In general, visual impacts are more prominent when the project is in the foreground where details can be seen and the context of other background views is substantially modified. Middle ground impacts can also occur when the continuity of the landscape/development pattern is interrupted by a project. Views in which the project is in the background are generally less susceptible to impacts.

Development Character. The project's character when compared to the existing context can result in attractive coherence and/or contrast, or in disturbing incongruity. This can occur because of overall development patterns and because of specific details of the context and project. Attributes such as scale, form, color, and pattern provide a basis for evaluating the degree of change resulting from the proposed project. Generally, the level of significance increases the more the proposed development departs from surrounding design character.

Public/Private Viewpoints. Views from locations where a large number of people are likely to see them, such as public roadways, are often considered more sensitive than those visible from private lands accessible to fewer observers. Private property with close views may also be considered sensitive, as well as public views from recreation and open space areas.

Duration of View. Views may be prolonged or intermittent. Prolonged views from local roadways or public vantage points are generally considered more sensitive than brief or intermittent views.

Duration of Impact. The length of time that a visual impact would occur, due to phasing, revegetation lag time, and the life of the project is considered in evaluating the significance of an impact.

Potential Impacts and Recommended Mitigation Measures

Impact B-1: Project development could substantially change the visual setting of the immediate vicinity, including local businesses, residences, and public facilities. (S)

Civic Center Site

The visual character of the proposed project would be a significant change from existing conditions. This change could be considered beneficial in many respects, as it would complete the "urban room" concept for the Civic Center park as expressed in the early 1900's. The change could be adverse, however, if the new facility does not provide the substantial design quality and sensitivity required of such a prominent location. The project site is located at the northern gateway to the Civic Center, across the street from Old City Hall and within the vicinity of several other landmark civic buildings.

Project Design Concepts. The program document for the project includes the following design guidance. "The new court building should have a significant presence on Kittredge Street on the Hink's site and on Center Street for the Civic Center site." "The use of appropriate materials will be essential for proper design and contextual harmony of the building. The A/E team shall select materials and detailing consistent with the existing significant buildings in the area and the project budget. The materials should be balanced and consider image, durability,

context, and constructability. The building exterior should be constructed of materials which are complimentary in color and texture to the adjoining buildings.” It is also noted that the entry on Center Street should be the only public entry to maintain the secure envelope of the facility, but that the western facade on Martin Luther King Jr. Way would be addressed by locating the public circulation corridor along that frontage, which would provide activity and views into the building on that side.

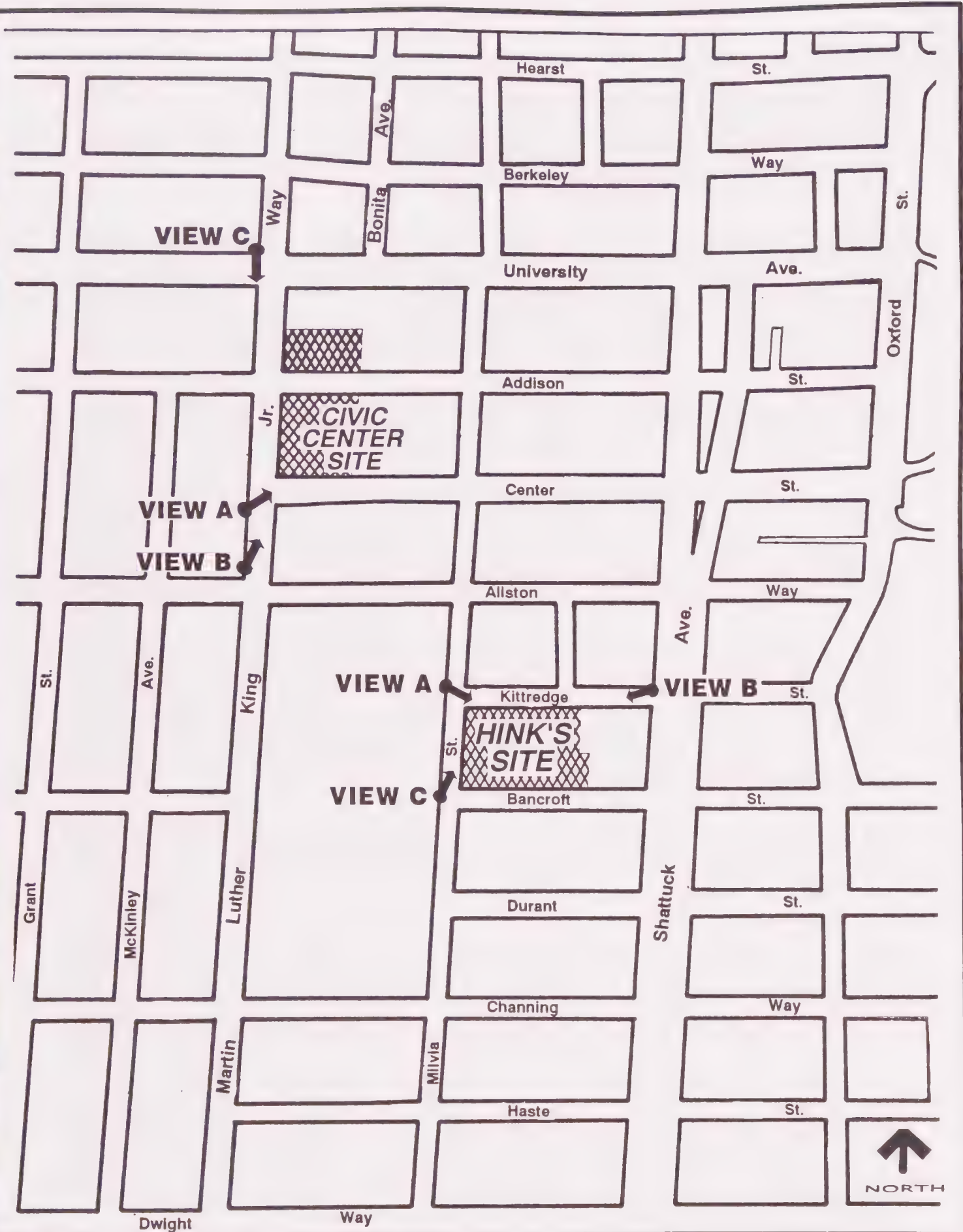
Visibility. The project would introduce a large new structure into the Civic Center area that would be highly visible from major roadways, including Martin Luther King Jr. Way and University Avenue, and local streets including Center Street and Allston Way. MLK Way carries over 20,000 vehicles and University Avenue carries about 30,000 vehicles on a daily basis. Center Street and Allston Way each carry about 4,000 vehicles. Therefore, the project would be visible to a large number of people on a regular basis. The Civic Center area is also used by local employees, residents, high school students, and others who come to the area for business or pleasure. The park also includes a tot-lot, large grass area, and benches that offer some recreational opportunities. In addition, there are occasional special events including concerts, farmers’ market, and similar gatherings that could draw people from outside of the community. Therefore, the project would have a potential effect on the close-in views of the Civic Center area, and on the experience of travelers and users of the area.

The project would be in the background for views from Milvia and would not be visible from Shattuck Avenue. Addison Street residents would also have prominent views of the rear portion of the site near the intersection with MLK Way. Much of this view will be blocked by the eventual construction of the City’s Public Safety Building. The site would not block the views of other neighboring development compared to existing conditions, but it would be taller and more solid (no gaps between buildings) than the existing buildings at the site. There is also a partial view to the ridgeline of the East Bay hills from the lawn of the old City Hall that would be blocked.

The visual change due to the project would persist for the foreseeable future. The building will be constructed to serve the existing and future needs of the courts, with the flexibility to meet changing needs through the reconfiguration of internal partitions and conversion of office space to court rooms, if ever determined necessary. Therefore, the life cycle of the building is expected to be at least 50 years. Landscaping (street trees) would probably be removed during construction in some locations. This landscaping would be replaced and possibly enhanced, particularly along Center Street, but there would also be an interim period during which the project would have a more prominent presence.

Compatibility With Neighboring Buildings. The proposed courthouse generally would be compatible with the design of existing land uses on neighboring properties. The courthouse is a civic structure that will have a substantial presence at a prominent location (unlike the existing courts constructed in 1957). The neighboring Veteran’s Memorial Building and the ETS Building on Center Street both establish a cornice line, window pattern, and materials that could be incorporated in some form into the new courthouse. The conceptual floor plans and exterior form of the new facility is presented in the Project Description of this EIR. Three viewpoints of each project site, shown in *Figure B-1*, were selected for analysis to present typical views from a range of distances that would be experienced by large numbers of people. Visual simulations for the proposed project site are presented in *Figures B-2 through 7*. It should be noted that these simulations are conceptual only, and that the interior layout and exterior design are not refined to a level of detail sufficient to show specific treatments.

The conceptual plan includes a three-story volume along Center Street, with a fourth story that is set back from Center Street but would extend to the property line at MLK Way and Addison Street. The actual height and shape of the project will be subject to further refinement as the project goes through the schematic and final design phases. The overall height is estimated at 60 to 70 feet, and the cornice or roof line along Center Street is estimated at 50 feet. The project’s basic form (with a central entry way, 150-foot long street frontage, and three-part composition) is similar to the existing development around the Civic Center and would be retained through final design unless major reconsideration is required for some unforeseeable reason.



VIEWPOINT LOCATION MAP

FIGURE: B-1

The design of the proposed parking garage is very conceptual at this time. The proposal is for a simple rectangular floor plan that would occupy the full dimensions of the site, and would have three to four levels above ground, with a possible underground level. The design shown in the simulations represents the general floor heights and overall shape of the building, but does not represent the final architectural treatment. The height along MLK Way would be about 35 feet, and could rise to about 45 feet on Addison Street east of MLK Way.

Mitigation Measure B-1a: (Civic Center Site) One or more of the following measures could be implemented to address project-related design issues:

- Incorporate design elements familiar in the area, such as columns, medallions, sculpted forms, incised words, divided lite windows, arches, cornice lines, and other features that currently lend a civic presence and consistent character to the other buildings in the area.
- Consider the design elements approved for the City's Public Safety Building in designing the overall plan and the exterior treatment for the new courthouse and parking garage.
- Provide a suitable design for the rear of the new Courthouse building that will provide the sense of a "gateway" entry into the Civic Center in conjunction with the City's Public Safety Building to the immediate west.
- Locate all service entries away from the intersection of Addison Street / MLK Way so that they are not visible to the majority of viewers.
- Cooperate with the City in implementing the Center Street and Civic Center Park improvements, including sidewalk widening, street trees, lighting, and street furniture. This could be considered one aspect of the County's "2 percent for art" commitment, if implemented with an artistic design component.
- Provide a suitable design for the parking garage that provides a transition between the older retail/apartment building at MLK Way / University Avenue, and the Civic Center area. Elements of the design could include appropriate height, division of the facade into horizontal and vertical elements, possible inclusion of window-type elements and rooflines/parapet/tower features that are reminiscent of the neighboring retail/apartment building on MLK Way, and ground-floor retail facing MLK Way.

Hink's Garage Site

The visual character of the proposed project would be a significant change from existing conditions at the Hink's Garage site. This change could be considered beneficial in many respects, as it would consolidate these properties and introduce another civic building in the area already occupied by a large number of architecturally significant buildings. The change could be adverse, however, if the new facility does not provide the substantial design quality and sensitivity necessary to complement these existing structures. The alternative project site is located off of the main entry ways to the downtown area, and is in the transitional area between downtown and the surrounding neighborhoods.

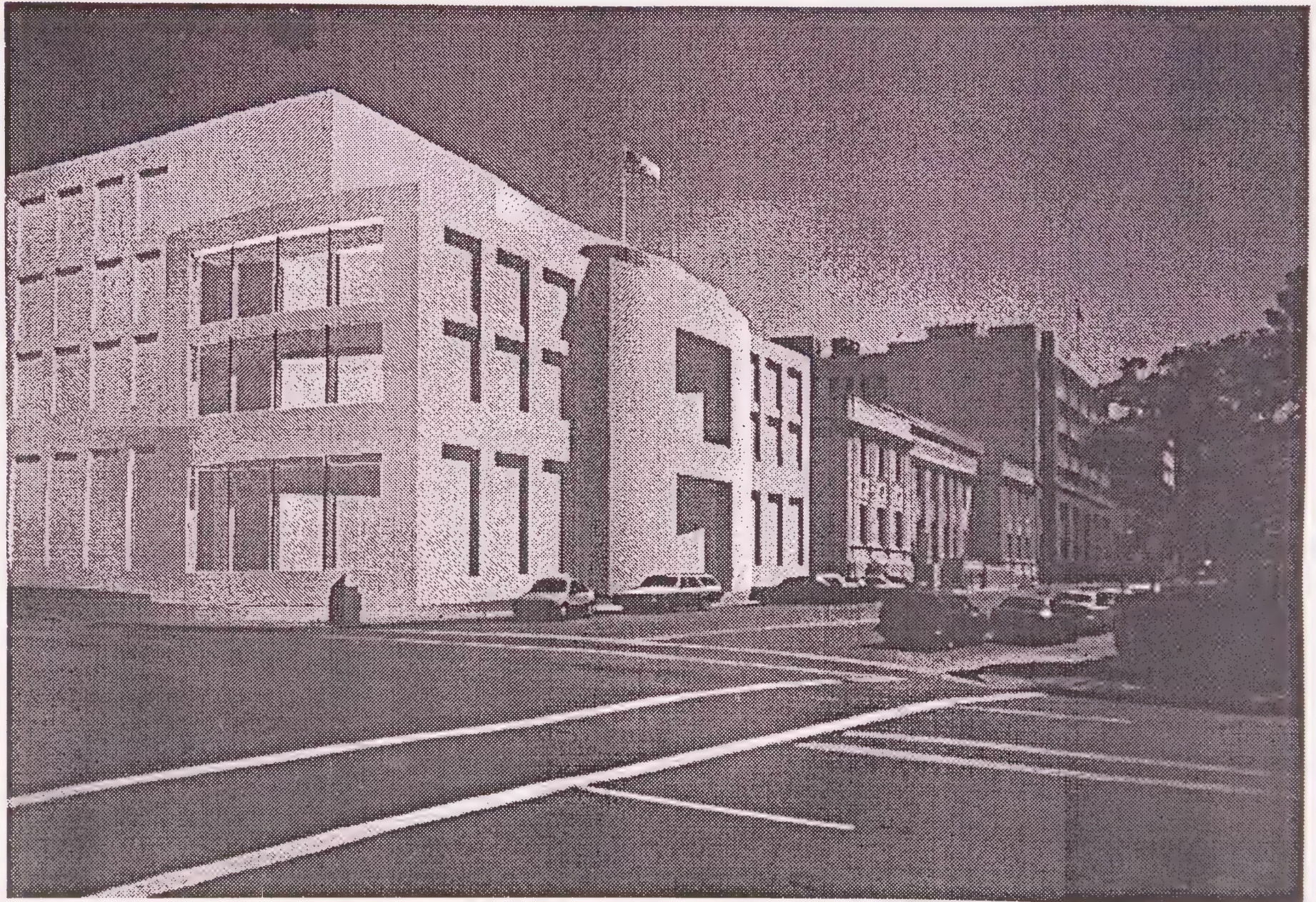
Project Design Concepts. The program for the project is described in more detail above, under Civic Center Site. For the Hink's Site, the program discusses the manner in which the project would provide a plaza to serve as a pedestrian corridor from the parking garage (proposed on Bancroft Way) to the library and Shattuck Avenue commercial area, and as a visual extension of Harold Way. The main entrance to the courthouse would be on Kittredge Street near Milvia Street. It is also noted that the large parking garage would require careful treatment to address pedestrian-level amenities and the residential area to the south.



SOURCE: Michael Ross - Charles Drulis Architects and Planners

CIVIC CENTER SITE - VIEW A - Existing

FIGURE: B-2



SOURCE: Michael Ross - Charles Drulis Architects and Planners

CIVIC CENTER SITE - VIEW A - Proposed

FIGURE: B-3



SOURCE: Michael Ross - Charles Drulis Architects and Planners

CIVIC CENTER SITE - VIEW B - Existing

FIGURE: B-4



SOURCE: Michael Ross - Charles Drulis Architects and Planners

CIVIC CENTER SITE - VIEW B - Proposed

FIGURE: B-5



SOURCE: Michael Ross - Charles Drulis Architects and Planners

CIVIC CENTER SITE - VIEW C - Existing

FIGURE: B-6



SOURCE: Michael Ross - Charles Drulis Architects and Planners

CIVIC CENTER SITE - VIEW C - Proposed

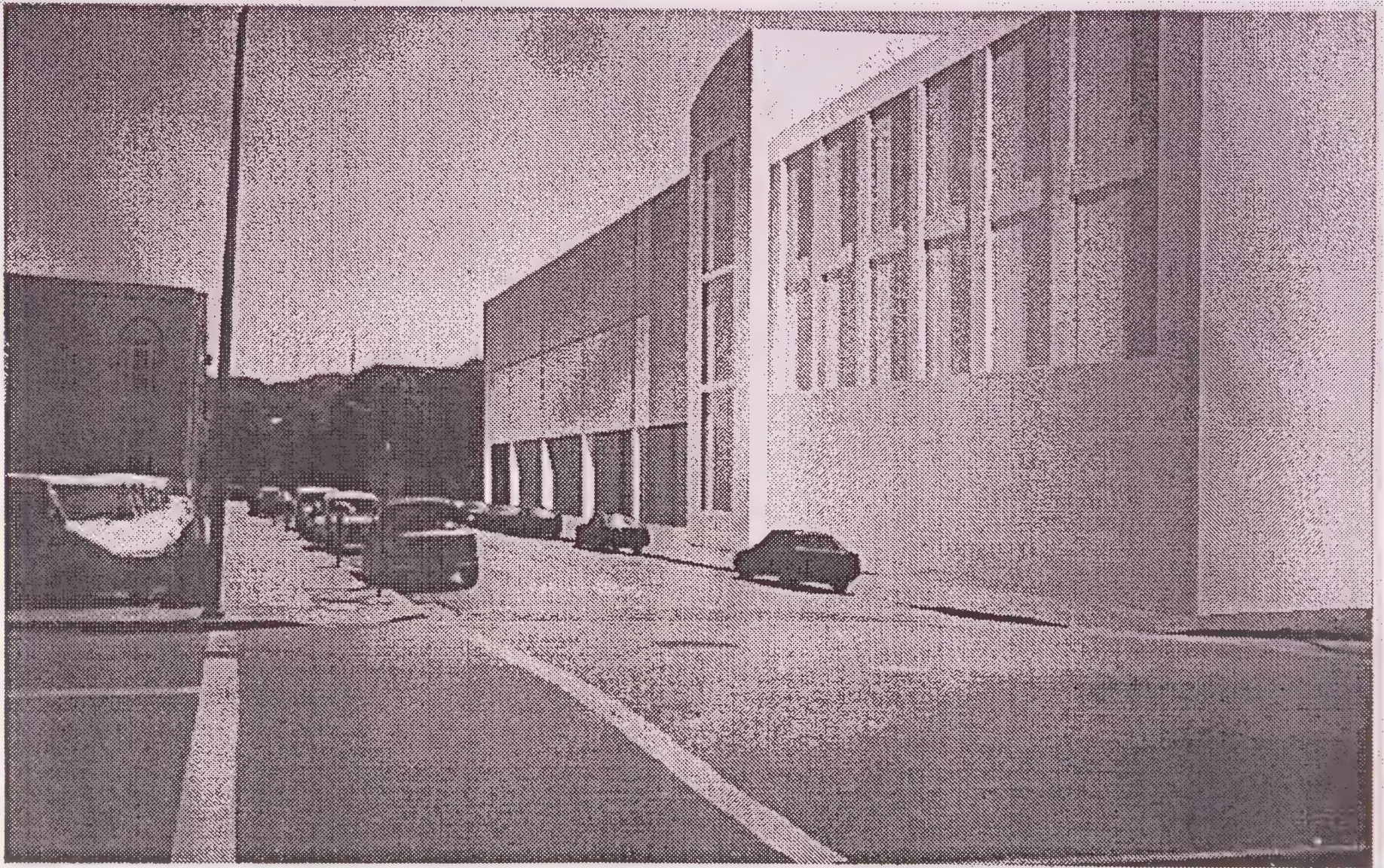
FIGURE: B-7



SOURCE: Michael Ross - Charles Drulis Architects and Planners

HINK'S SITE - VIEW A - Existing

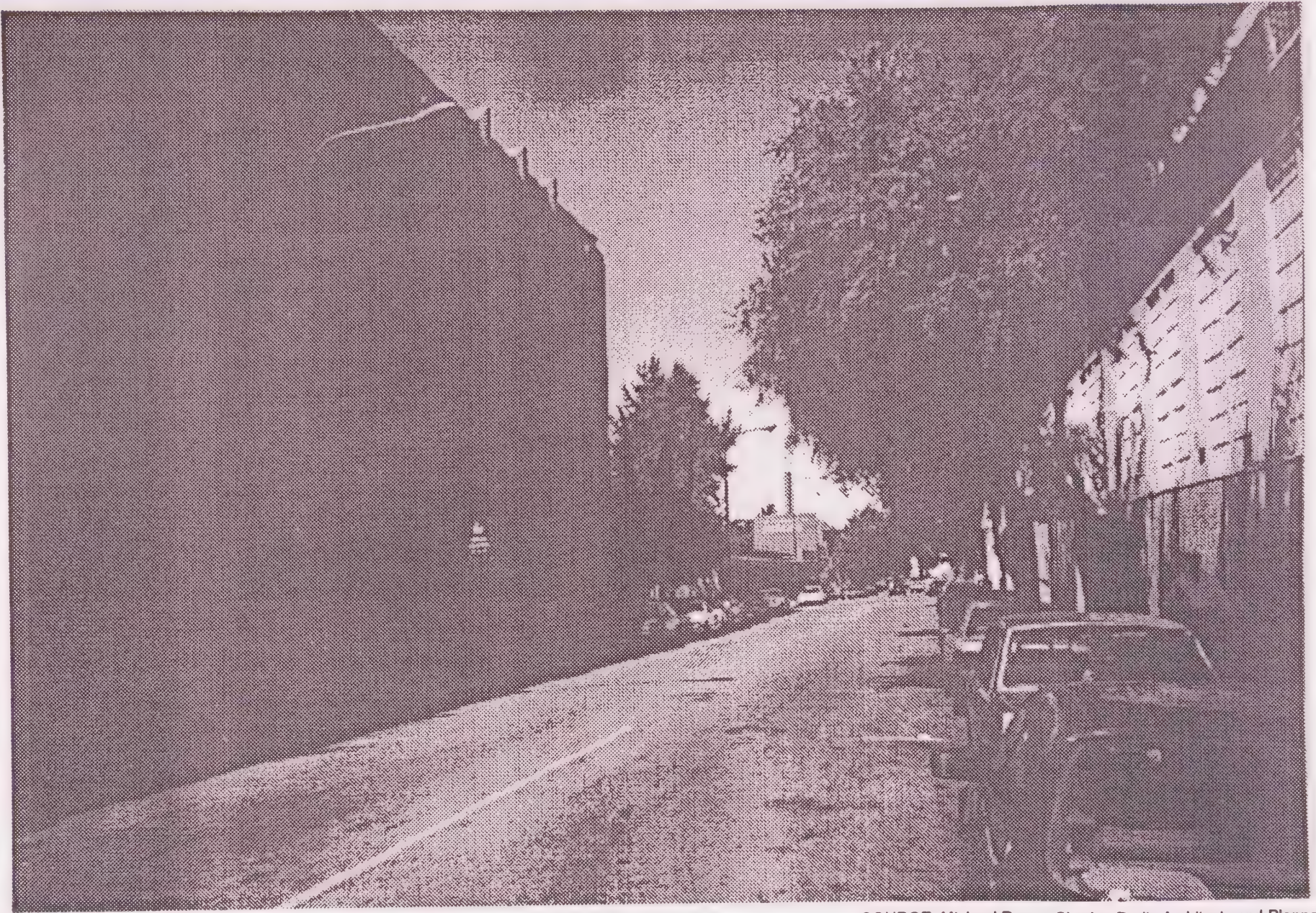
FIGURE: B-8



SOURCE: Michael Ross - Charles Drulis Architects and Planners

HINK'S SITE - VIEW A - Proposed

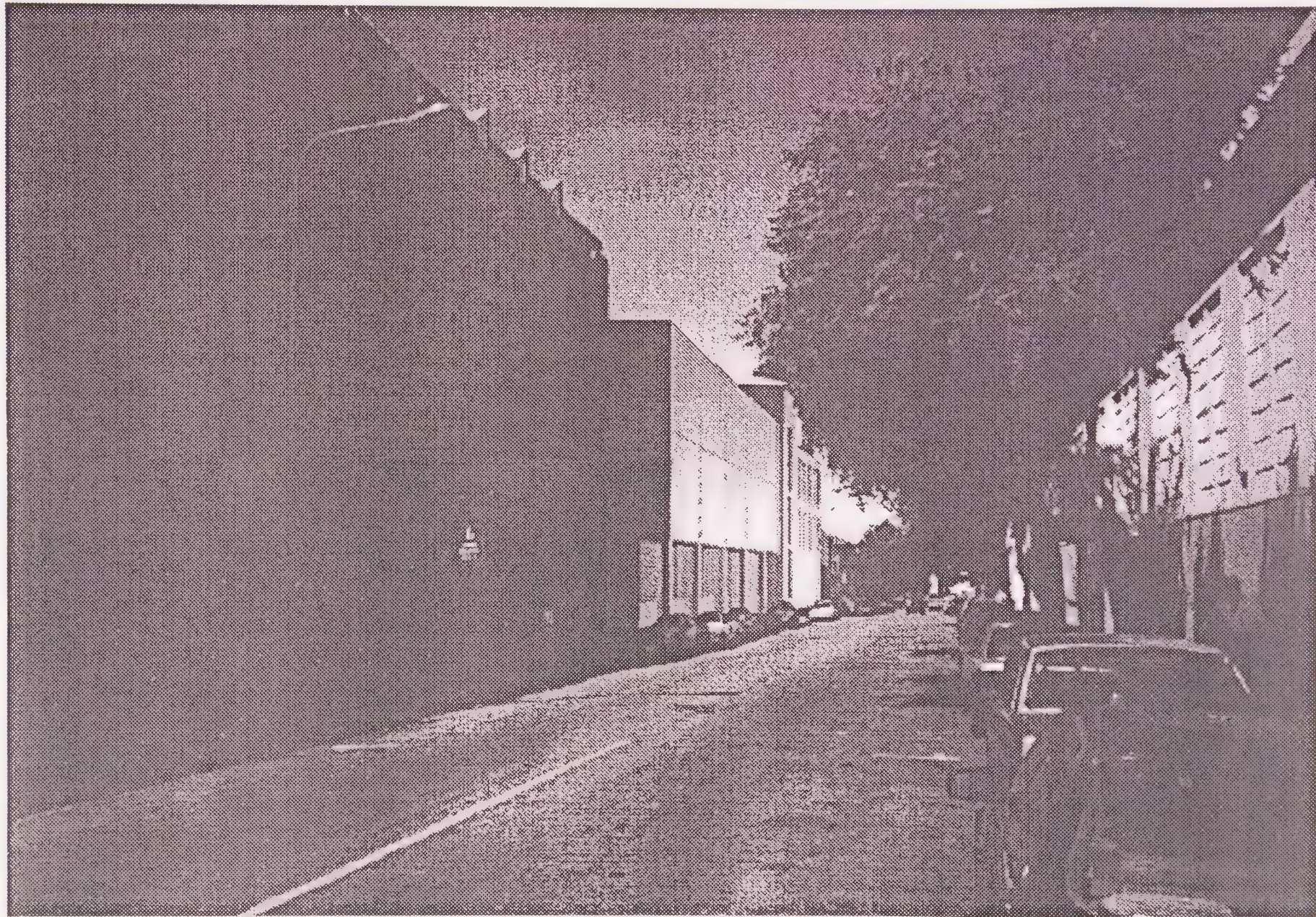
FIGURE: B-9



SOURCE: Michael Ross - Charles Drulis Architects and Planners

HINK'S SITE - VIEW B - EXISTING

FIGURE: B-10



SOURCE: Michael Ross - Charles Drulis Architects and Planners

HINK'S SITE - VIEW B - PROPOSED

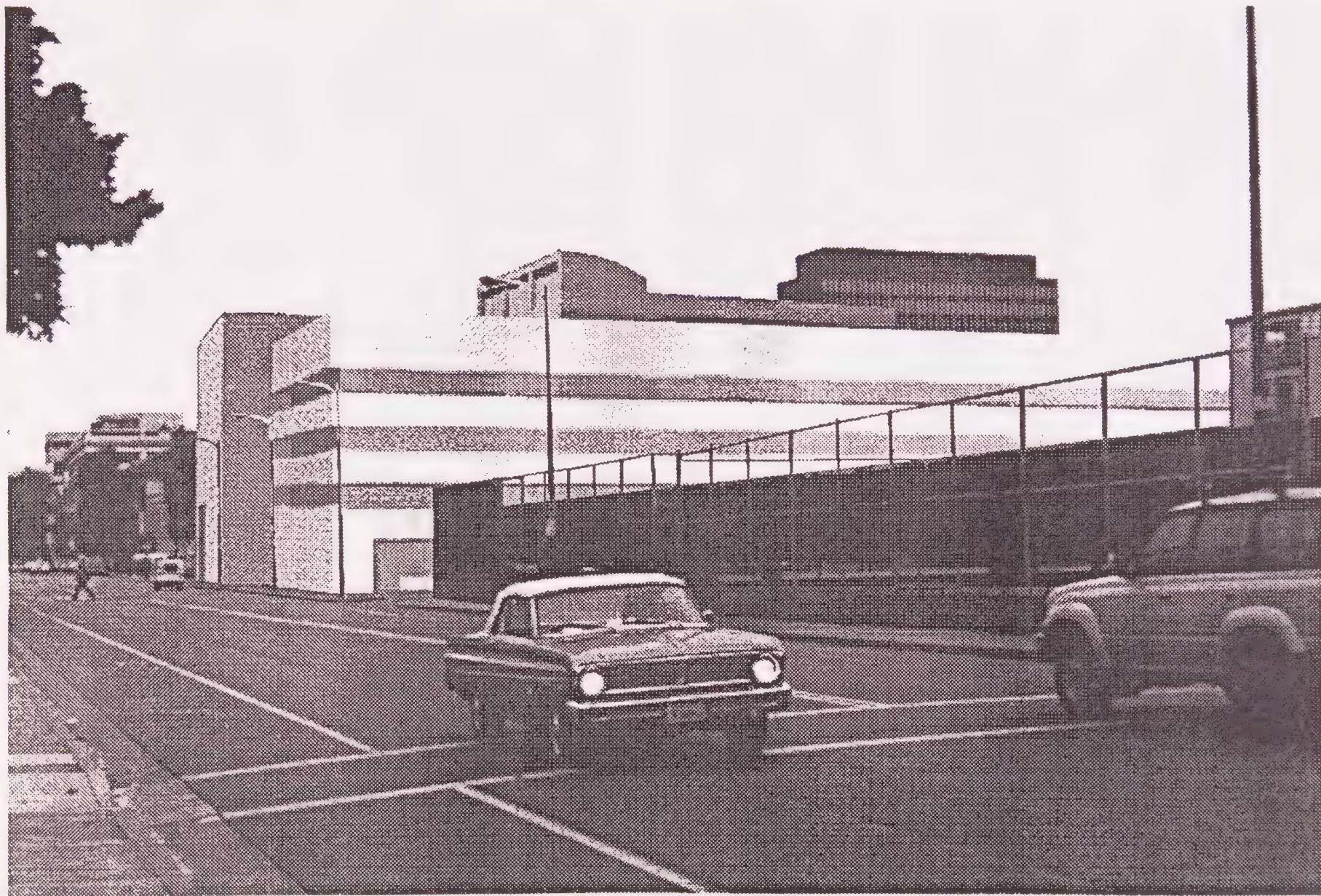
FIGURE: B-11



SOURCE: Michael Ross - Charles Drulis Architects and Planners

HINK'S SITE - VIEW C - Existing

FIGURE: B-12



SOURCE: Michael Ross - Charles Drulis Architects and Planners

HINK'S SITE - VIEW C - Proposed

FIGURE: B-13

Visibility. The project would introduce a large new structure into the area that would be visible from several local streets including Milvia Street, Kittredge Street, and Bancroft Way. The site is indirectly visible from Shattuck Avenue (commercial) and Allston Way (near the civic center). The local streets do not carry a large volume of vehicular or pedestrian traffic, but Milvia Street is designated as a “bicycle boulevard.” Nonetheless, the project occupies a large site and would draw visitors to the area when conducting business with the courts. In addition, the project would be immediately west of the Public Library, which has windows facing out across the existing parking lot. Therefore, the project would have a potential effect on the close-in views of residents and users of the area, and on the experience of travelers around the area.

The visual change due to the project would persist for the foreseeable future. The building will be constructed to serve the existing and future needs of the courts, with the flexibility to meet changing needs through the reconfiguration of internal partitions and conversion of office space to court rooms, if ever determined necessary. Therefore, the life cycle of the building is expected to be at least 50 years. Landscaping (street trees) would probably be removed during construction in some locations. This landscaping would be replaced and possibly enhanced along the project frontage, but there would also be an interim period during which the project would have a more prominent presence.

Compatibility With Neighboring Buildings. The proposed courthouse generally would be compatible with the design of existing land uses on neighboring properties. The courthouse is a civic structure that will have a substantial presence at a prominent location (unlike the existing courts constructed in 1957). The neighboring Public Library, US Post Office, and Armstrong College on Kittredge Street have certain window patterns and materials that could be incorporated in some form into the new courthouse. The conceptual floor plans and exterior form of the new facility is presented in the Project Description of this EIR. Visual simulations for the alternative project site are presented in *Figures B-8 through 13*. It should be noted that these simulations are conceptual only, and that the interior layout and exterior design are not refined to a level of detail where specific treatments can be shown at this time.

The conceptual plan at the alternative site includes a three-story volume along Kittredge Street that extends from Harold Way toward Milvia Street, with a colonnade nearer to Shattuck Avenue. The main entrance would be toward the Milvia Street end of this frontage. There may be a slight break in the massing past the entrance and along Milvia Street to accommodate the slight downslope of the site and to be compatible with the slightly smaller lotting pattern in this area, compared to the Civic Center, and the smaller streets, lack of public open space, and smaller scale buildings. The sallyport driveway would pass through the middle of the site with an exit on Milvia Street. The parking garage would occupy the entire Bancroft Way frontage except where the plaza extends through the block. The actual height and shape of the project will be subject to further refinement as the project goes through the schematic and final design phases. The overall height is estimated at about 50 feet for the courts building and the parking garage. Access to the parking garage would be on Bancroft Way.

Mitigation Measure B-1b: (Hink’s Garage Site) One or more of the following measures could be implemented to address project-related design issues:

- Incorporate design elements familiar in the area, such as columns, medallions, sculpted forms, incised words, divided lite windows, arches, cornice lines, and other features that currently lend a civic presence and consistent character to the other buildings in the area.
- Prepare a detailed landscape plan for the plaza between the Courthouse and Public Library that would enhance the pedestrian environment and provide screening between the reading room windows and the new Courthouse.
- Design the parking structure to be compatible with the apartments on Bancroft Way and the Berkeley High School gymnasium across Milvia Street.

Chapter III.C - Historic Resources

Existing Setting

Character of the Downtown and Civic Center

The concentration of historic resources found in Berkeley's downtown and civic center areas is rare in California. As described throughout this section, the area includes nearly two dozen structures listed in inventories and on State and national registers. This wealth of historic resources nearly doubles if one looks throughout other areas of the larger downtown and adjacent edge of the University of California campus. These resources have survived due in part to the influence of a few early architects and builders with a consistency of work for local clients, the quality of construction, and the activist nature of Berkeley's citizens which stopped demolition or modification of landmarks before they had a cumulative effect on the resources.

Historic buildings in the downtown and civic center, built throughout the period of 1900 to 1950, reflect the architectural styles that predominated at the times of their design. They share elements of the Beaux Arts classicism that was prevalent throughout the first half of the 20th century and depart from it as modernism superseded classicism in the post-World War II period. In many ways, it is the massing and grand scale of these buildings that creates a stronger visual bond than the compatibility of their architectural styles. Intrusions on the unity of the civic center's historic architecture take the form of several highly visible parking lots, residential buildings, and a handful of contemporary structures, several of which are located at the proposed Courthouse site and alternative site.

All told, the downtown / civic center area retains a high concentration of significant buildings that illustrate the development history of the central City. Some important buildings, such as two turn-of-the-century skyscrapers at Shattuck Avenue and Center Street by John Galen Howard have been demolished, but the majority of the area remains intact. Because of this, the downtown area appears to be eligible for the National Register as a Historic District, although no formal nomination has been prepared. This is based on the fact that many of the properties in the district qualify individually as landmarks or contributing structures, and that together they represent a cohesive unit. Of 186 buildings in the general downtown area, at least 26 buildings are City landmarks, and 8 are listed on the National Register of Historic Places. Seven of these National Register structures are in the vicinity of the project and/or alternative site.

Civic Buildings. Civic buildings represent a broad range of styles, and are more often located off of the Shattuck Avenue corridor, oriented more toward the civic center park area. However, a large number of these buildings do not actually face the park, but are located along side streets between the Civic Center Park and Shattuck Avenue. The Public Library, Post Office, Armstrong College, YMCA, Elks Club, and Masonic Temple each communicate their civic importance in a different yet compatible way. Most of these buildings are in the immediate vicinity of the Courthouse project site and alternative site.

Commercial Buildings. The downtown's large commercial buildings generally included retail uses at the ground floor, and offices and hotel space on upper floors. Some of the hotel space has since been converted to

apartments. Many of these buildings occupy whole block frontages on Shattuck Avenue, or take advantage of corner sites. Classic proportions often were used in the designs, whereby the ground floor formed the base, the upper floors formed the shaft, and an ornate cornice formed the capital. Regularly spaced windows form a symmetrical composition. Decorative details are formed from stone, terra cotta, concrete, or sheet metal, and used as ornamentation around doors, windows, and cornices. Mission Revival-style buildings used the themes of tile roofs, balconies, and square corner bays.

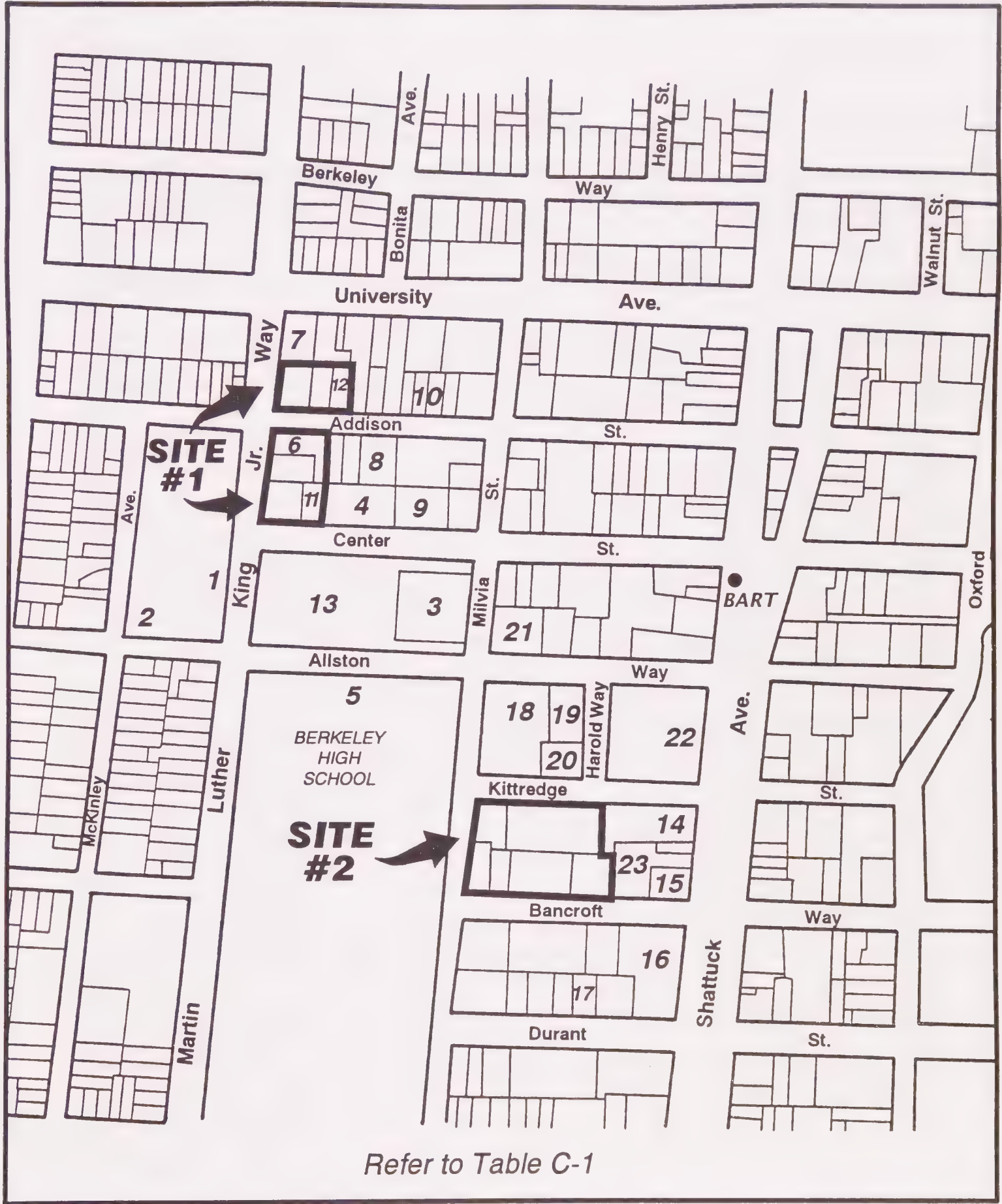
Background on Preservation of Historic Resources

Several evaluations and listings of historic resources and architecturally significant buildings have been prepared in the City of Berkeley, including those prepared by federal, state, and local authorities. Each set of recognized historic resources is subject to a somewhat different set of regulations on the basis of the review and/or permit authority granted to its protector organization. A comprehensive look at the listings and their applicable protections is provided below. The historic properties within the civic center and downtown area are described in more detail below, as summarized in *Figure C-1 and Table C-1*.

Federal Programs. At the federal level, the Secretary of the Interior maintains the National Register of Historic Places (NRHP) which is the nation's master inventory of known historic properties worthy of preservation. The NRHP is administered by the National Park Service on behalf of the Secretary of the Interior. National Register listings include buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance. Properties listed are not limited to those of nationwide significance; most are significant primarily at the State or local level. In addition to formally listing properties on the NRHP, the Department of the Interior may make determinations regarding properties' eligibility for listing on the NRHP, which can have an influence on recognition by State and local authorities.

The National Historic Preservation Act (NHPA) of 1966 requires consideration of historic resources in federal undertakings, including local and State projects which rely on federal funding. Section 106 of the NHPA and regulations of the Advisory Council on Historic Preservation establish a review process that provides for the identification, documentation, consultation, and public comment on undertakings that may effect historic properties. An undertaking is defined as any project, activity or program that has the potential to have an affect on a historic property and that is under the direct or indirect jurisdiction of a federal agency or is licensed or assisted by a federal agency. The Council is an independent federal agency composed of 19 members, and is charged with advising the President and Congress on historic preservation matters and administering the provisions of Section 106 of the NHPA.

Criteria for listing are described by the Department of the Interior as follows: "The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and that (a) are associated with events that have made a significant contribution to the broad patterns of our history; or (b) that are associated with the lives of persons significant in our past; or (c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant distinguishable entity whose components may lack individual distinction; or (d) that have yielded or may be likely to yield information important in history or prehistory."



Refer to Table C-1

HISTORIC BUILDINGS IN PROJECT AREA

FIGURE: C-1



**Table C-1
HISTORIC RESOURCES IN THE PROJECT VICINITY**

Map #	Address & Building Name	Date of Construction	Architect	Status
NEAR THE CIVIC CENTER SITE				
Landmark Buildings				
1	2134 Martin Luther King Jr. Way Old City Hall / BUSD Admin.	1908	Bakewell & Brown	National Register
2	1835 Allston Way City Hall Annex	1925	James Plachek	City Landmark
3	2180 Milvia Street Civic Center Building / Farm Credit Building	1938	James Plachek	City Landmark
4	1931 Center Street Veterans Memorial Building	1928	Henry Meyers	City Landmark
5	Allston Way & Martin Luther King Jr. Way Berkeley High School Shop and Science Buildings, Community Theater, Little Theater	1939, 1940, 1950	Henry Gutterson & William Corlett, Sr.	City Landmark
Significant / Contributing Buildings				
6	1900 Addison Street Framat Lodge	1926	S.G. Jackson	"Significant" Building (located on the project site)
7	1900 University Avenue Heywood Building / Rex Key	1910	James Plachek	"Significant" Building
8	1950 Addison Street National Guard Armory	1910	unknown	"Significant" Building
9	1947 Center Street State Farm Building (ETS)	1946	James Plachek	"Significant" Building
10	1931, 1933, 1935-7, 1939 Addison Auto Garages	1925 - 1931	various	"Significant" Building
Other Buildings and Sites				
11	1907 Center Street Mercantile Trust Apartments	1925	C.R. Collupy	None (located on the project site)
12	1915 Addison Street Boyd House	1896	unknown	None (located on the project site)
13	Civic Center Park	1940	Henry Gutterson, et al	None

**Table C-1
(continued)**

Map #	Address & Building Name	Date of Construction	Architect	Status
NEAR THE ALTERNATIVE SITE				
Landmark Buildings				
14	2090 Kittredge Street Berkeley Public Library	1930	James Plachek	National Register
15	2037-43 Bancroft Way 2276-86 Shattuck Avenue Morse Block / Donough Arms / Pasand	1906	Dickey & Reed	Local Landmark
16	2048 Bancroft Way 2300-50 Shattuck Avenue 2047 Durant Street Corder Bldg. / Hotel Whitecotton Apartment / Shattuck Apartments	1921	James Plachek	National Register
17	2029 Durant Boone's University School	1877/1885	Unknown	National Register
18	2000 Allston Way United States Post Office	1914	Oscar Wenderoth	National Register
19	2018 Allston Way Elks Club	1913	Walter Ratcliff, Jr.	Local Landmark
20	2222 Harold Way Armstrong College	1923	Walter Ratcliff, Jr.	Local Landmark
21	2001 Allston Way YMCA	1910	Benjamin McDougall	Local Landmark
22	2070-86 Allston Way 2058-90 Kittredge Street 2200-40 Shattuck Avenue Shattuck Hotel / Hink's Building	1909-1913	Benjamin McDougall	National Register
Significant / Contributing Buildings				
23	2274 Shattuck Avenue UA Theater	1932	Balch & Stanbery	"Significant" Building

Source: Downtown Berkeley Design Guidelines, 1994; Berkeley Downtown Plan, 1990; Berkeley Architectural Heritage Association, 1987, 1994; City Planning Department, 1995.

The criteria are supplemented by considerations that limit the range of properties that may normally be considered eligible. For example, cemeteries, birthplaces, religious properties, moved structures, commemorative properties, and properties that have achieved significance within the past 50 years are usually not eligible for listing unless they meet a higher standard of significance. Such properties may also qualify if they are integral parts of historic districts. For the Section 106 process, an eligible property is treated as if it were already listed.

Several buildings within the project area are on the National Register. These are the old City Hall, United States Post Office, Downtown YMCA, Berkeley Public Library, Masonic Temple, Corder Building, Shattuck Hotel, Boone's University School, Wells Fargo/Chamber of Commerce Building, Tupper & Reed, Golden Sheaf Bakery, and the Studio Building. Those resources located closest to the project sites are further described below. The Berkeley Courthouse Project is not a federal undertaking and thus is not subject to the specific provisions of Section 106, but the criteria are useful in evaluating project impacts.

State Programs. At the State level, Statutes of 1992, Chapter 1075 (Assembly Bill 2881), was signed into law in 1992 and created the California Register of Historic Resources (California Register). The California Register uses significance criteria similar to the National Register, but is intended to focus on the unique history of California. The California Register automatically includes: properties in California that are listed in, or formally determined eligible for, the National Register of Historic Places; California Registered Historical Landmarks from number 770 onward; and, certain California Points of Historical Interest.

Other resources may be directly nominated, including: individual historical resources; resources contributing to the significance of a historic district; historic resources identified in resource surveys with a high significance rating; resources designated or listed by city or county ordinance if the criteria used to evaluate them are consistent with those for the California Register; and, local landmarks designated under local ordinance.

In addition to the California Register, the Director of the Department of Parks and Recreation maintains a list of California Historic Landmarks, which are properties of statewide significance. California Historic Landmark designation is for recognition only and confers no protection or other regulatory proscriptions for the listed properties.

The State Historic Preservation Officer (SHPO) heads the State Office of Historic Preservation within the Department of Parks and Recreation. The SHPO administers the national historic preservation program at the State level, reviews National Register nominations, and maintains a historic resources inventory of architecturally and historically significant properties that have been identified by local agencies and documented on State forms.

As an informational resource, the SHPO also maintains the *Directory of Properties in the Historic Property Data File*. This inventory is considered the most comprehensive list of historic properties for the State of California currently in existence. For historic resources in the City of Berkeley, this list is largely based on the *State Historic Resources Inventory*, which was prepared by the Berkeley Architectural Heritage Association (BAHA) from 1977 to 1979. Properties on this list are not protected or regulated, but merely designated for purposes of recognition. This State survey produced a representative rather than a comprehensive inventory, intended in part to identify patterns of historic development and importance.

Local Programs. The City of Berkeley has several policy documents, commissions, and community groups interested in the consideration of historic resource issues. A general description is provided below.

Landmarks Preservation Ordinance. The Berkeley City Council adopted the *Landmarks Preservation Ordinance*¹ in 1974, in order to protect structures, sites and areas that are considered city landmarks. Through this ordinance, the Landmarks Preservation Commission (LPC), a nine-member volunteer commission, has been delegated authority by the City Council to designate buildings, sites, and districts as City Landmarks or as Structures of Merit.

In addition to establishing and maintaining a list of designated landmarks, the LPC reviews any proposed construction, alteration, or demolition to landmark buildings and structures of merit for which a permit is required, in order to ensure that changes conform to the purposes and standards of the Landmarks Preservation Ordinance. For publicly owned City Landmarks or Structures of Merit, the LPC also reviews proposed changes in major interior architectural features. The County is not subject to these requirements, and will not formally place the project before the LPC for review, but the County has consulted with the LPC on the project.

The LPC also advises the Design Review Committee regarding the appropriateness of design changes to all non-residential buildings on the state historic resources inventory list and advises the Zoning Adjustments Board about demolitions of all non-residential buildings over 40 years old. The LPC also provides advice on the impact a proposed project may have on an adjacent or nearby landmark building.

Demolition permits may be granted if the commission finds “that the designated landmark, historic district or structure of merit or portion thereof is in such condition that it is not feasible to preserve or restore it, taking into consideration the economic feasibility and alternatives to the proposal, and balancing the interest of the public in preserving the [property] and the interest of the owner of the landmark....in its utilization.”

Other City policies and regulations that apply in the case of projects requiring City approval include the City-wide Master Plan, Downtown Plan, and Downtown Design Guidelines. The Berkeley Architectural Heritage Association is also an active participant in documenting resources and reviewing projects.

Berkeley Master Plan. The *Berkeley Master Plan*, adopted in June 1977,² is the current guide for development in the City of Berkeley. The city is in the process of developing a new general plan to update the *Berkeley Master Plan*, with the intention of incorporating the provisions of special plans and studies such as the *Berkeley Downtown Plan*. Until the general plan is completed and adopted, however, the *Berkeley Master Plan*—and the *Berkeley Downtown Plan* and related documents described below—are the primary public documents guiding urban design issues within the civic center and downtown area.

Land Use Policy Number 1.01 of the *Berkeley Master Plan* directs the city to “Identify, restore, and preserve historic buildings; protect historic structures through careful design and location of adjacent new structures, or if appropriate, by relocation to another site; alleviate potential economic hardships to tenants and owners.”

Berkeley Downtown Plan. The *Berkeley Downtown Plan*,³ adopted by the City Council on November 27, 1990, builds upon the *Berkeley Master Plan*, and provides specific guidance for development downtown and the preservation of historic resources.

¹ Chapter 3.24, *Berkeley Municipal Code*.

² City of Berkeley. *City of Berkeley Master Plan*. 1977.

³ City of Berkeley, *City of Berkeley Downtown Plan*, 1990.

Goal 1 of the *Berkeley Downtown Plan* calls for the city to “Express and enhance Berkeley's unique social and cultural character in the downtown.” Regarding historic preservation under this goal, the “plan encourages adaptive reuse of existing buildings, to encourage economic revitalization while preserving Downtown's early 20th Century historic character.”

Historic Preservation and Urban Design Policy 1.1 states: “Retain the older, historically valuable buildings in and around the Downtown. Encourage adaptive re-use of older buildings by promoting rehabilitation and reuse of existing structures that contribute to the overall design character of Downtown.”

The *Berkeley Downtown Plan* establishes specific criteria for Downtown design review including the recommendation to “Prohibit the demolition of any historic structure documented in the Berkeley Architectural Heritage Association Historic Survey of Downtown, and require Landmark Preservation Commission review of demolitions of buildings greater than 40 years old, as specified in the Landmarks Preservation Ordinance.”

Downtown Berkeley Design Guidelines. The *Downtown Berkeley Design Guidelines*, adopted by the Planning Commission as amendments to the *Design Review Guidelines* in 1994, implement the objectives and policies of the historic preservation and urban design element of the *Berkeley Downtown Plan*. The *Downtown Berkeley Design Guidelines* document landmark and significant buildings in the downtown, and use the predominant design elements of these landmark and significant buildings to establish design elements for new buildings. The Guidelines also included an inventory of downtown buildings, based on the BAHA survey.

Berkeley Architectural Heritage Association. The Berkeley Architectural Heritage Association (BAHA) is a community-based, non-profit membership organization dedicated to educating the public about Berkeley's architectural heritage and advocacy for its preservation. BAHA prepared an inventory of the significant historic resources in Berkeley for the SHPO from 1977 to 1979.⁴ This analysis is the basis for subsequent historic resource protection enacted by the City of Berkeley. The BAHA inventory serves as the Landmarks Preservation Commission's de facto list of important historic resources, although the Commission need not and does not draw exclusively from this inventory in its determination of future landmark properties.⁵

BAHA also amended the inventory in 1987, with input from the Berkeley Design Advocates and others. At that time the Framat Lodge, located on the project site, was added to the list as an architecturally significant structure that could be considered for City listing. This was based on the visual character of the building and does not reflect a formal analysis based on the criteria of the City or National Register.

Local Development Patterns

Overview. The downtown area experienced a first wave of development in the 1870's around the time when the University of California was established. More extensive development and redevelopment occurred soon after the turn of the century as more settlers arrived from San Francisco. After another period of development in the 1920's and 1930's, and some infill development in the 1940's and 50's, there has been relatively little change in the overall pattern of development, though some smaller, less notable buildings have been renovated or replaced. The following section provides a description of the evolution of the character of the project area.

⁴ Berkeley Architectural Heritage Association, *State Historic Resources Inventory*, 1977 to 1979.

⁵ Personal communication with Dan Bell, City of Berkeley, April 1996.

Pre-Statehood. What is now California was occupied by indigenous peoples for centuries prior to modern history. The traditional understanding is that people who are now called the Costanoan Indians occupied the East Bay in tribelets extending from the inland valleys to the Bay. Shell mounds, burial sites, mortar holes in rock outcroppings, and other evidence has been found along the Bay shore, along creeks, in the hills, and elsewhere. Spanish influence came to the area that is now Berkeley in the early 1770's when army and missionary explorers searched for a way around the Bay by land. Missions were founded in Santa Clara, Fremont, San Francisco, Sonoma, and elsewhere, and the Spanish government established outposts, ultimately dividing land among various families. In 1820, Spain granted Luis Maria Peralta 48,000 acres, which he called Rancho San Antonio. The grant encompassed lands between the crest of the hills and the bay, from San Leandro Creek on the south to El Cerrito creek on the north.

Peralta's land was divided between four sons, with the future site of Berkeley, Albany, and Emeryville going to Jose Domingo Peralta. In 1846, the United States took possession of California from the Mexican Government. In 1848 gold was discovered on the American River, and California became the 31st State in 1850. The ensuing flood of immigrants resulted in settlers or squatters taking up residence in the ranchos. Peralta was eventually forced to sell nearly all of his property to four San Francisco speculators in order to pay debts, taxes, and fees that had accumulated since statehood.

Early Development in Downtown. In 1853, four unsuccessful gold miners, Francis Kittredge Shattuck, his brother-in-law George Blake, and partners James Leonard and William Hillegass, purchased a square-mile of central Berkeley from the quartet of investors that had acquired title from Peralta. This land now forms the southern half of downtown and the surrounding neighborhoods from approximately Addison Street on the north to Russell Street on the south, and from Martin Luther King Jr. Way on the west to College Avenue on the east. The project sites falls within the 160-acre tract that was owned and developed by Shattuck.

Downtown Berkeley's form and location are the enduring results of transit patterns established in the mid-1870's when Shattuck and James L. Barker brought a Central Pacific (later Southern Pacific) spur line from Oakland along Adeline Street through their property. The line terminated at Stanford Place, named after Leland Stanford, the owner of the railroad. Stanford Place later became Berkeley Square, now Shattuck Square. The original location of the train station, freight yards, and tracks was along Shattuck Avenue, which accounts for its extraordinary width.

When Berkeley was incorporated in 1878, Shattuck Avenue was already established as the main street. There was a hotel, a handful of shops, a social hall, the railroad station, and Shattuck's palatial mansion, located on the site of the present Shattuck Hotel. Shattuck Avenue soon became the civic center as well as the business center. The University of California had been established on land east of the downtown during the 1860's, and the Oceanview district had been developing in west Berkeley since the 1850's.

In the early 1900's, downtown Berkeley experienced dramatic changes and rebuilding. The growth and development was based on a number of factors, including the growth of the University of California, the advent of the electric rail car system connecting Berkeley with Oakland and San Francisco in 1891, and the exodus from San Francisco after the 1906 earthquake and fire. About 20,000 San Franciscans are estimated to have relocated to Berkeley in the months after the 1906 earthquake.

As a result, many of the wooden pioneer buildings in the downtown were replaced. Today, the restaurant at 2377 Shattuck Avenue, circa 1885, with its false-front facade, is the single surviving structure from the pioneer days on Shattuck Avenue. The Boone's University School building at 2029 Durant Avenue is the oldest surviving

building in the downtown, built in 1877 and expanded around 1885 to house a boys school. This last surviving building from the complex has been restored as offices. In the place of many of the original downtown buildings, masonry structures were erected, many of which were designed by notable architects including James Plachek and Walter Ratcliff, Jr. Important contributions were also made by Benjamin McDougall, Oscar Wenderoth, Joseph Esherick, William Wharff, and Dickey and Reed, among others.

Downtown and civic buildings from the first decade of the 20th century were stately and impressive, built in the neo-classical styles of the City Beautiful movement and the Mission Revival style. Buildings from this era in the vicinity of the project site and alternative site include the Old City Hall, 2134 Martin Luther King Jr. Way, built in 1909; the Masonic Temple, 2105 Bancroft Way, built in 1905; Morse Block/Donough Arms/Pasand, 2270 Shattuck Avenue, built in 1906; the Shattuck Hotel, 2060 Allston Way and 2200 Shattuck Avenue, built in 1909 and expanded in 1913; and the downtown YMCA, 2001 Allston Way, built in 1910.

Building continued in the area through the following decades, with several more prominent commercial and civic buildings erected in the project area. These include the Elks Club, 2018 Allston Way, built in 1913; Berkeley Main Post Office, 2000 Allston Way, built in 1914; Corder Bldg./Shattuck Apartments, 2300 Shattuck Avenue, built in 1921; Armstrong College, 2222 Harold Way, built in 1923; City Hall Annex, 1835 Allston Way, built in 1925; Veteran's Memorial Building, 1931 Center Street, built in 1928; Berkeley Public Library, 2090 Kittredge Streets, built in 1930; Civic Center Building (formerly the Federal Land Bank), 2180 Milvia Street, built in 1938; and Berkeley High School and Community Theater, Allston Way, built in 1939, and 1940 through 1950.

In addition, the area was developed with individual residences and less substantial commercial structures along side streets and in between the larger blocks of buildings. Many of the original residences in the civic center and downtown, however, have been demolished to prepare sites for development of commercial structures, parking garages, and apartments. A description of the historic occupancy at the project site and alternative site is provided below.

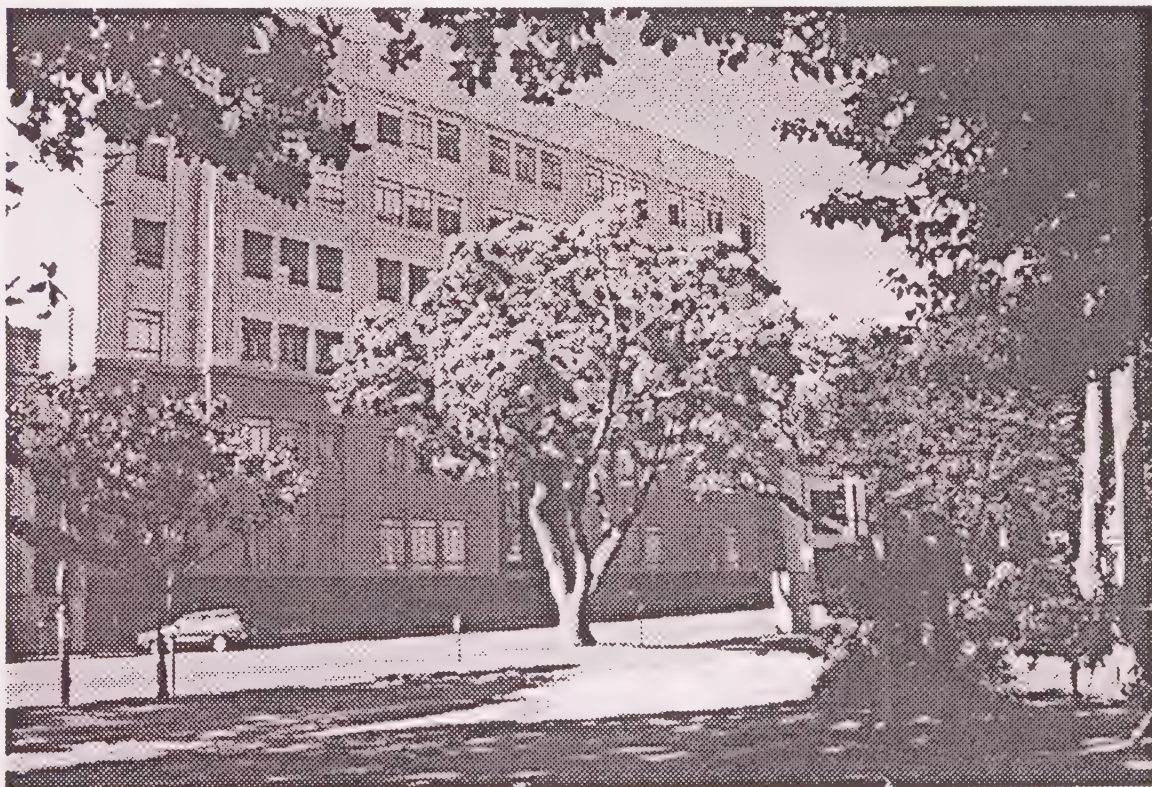
Proposed Project Site

The proposed site of the new Berkeley Courthouse is located in Berkeley's civic center area, just west of downtown. The civic center has been the subject of design studies and planning efforts for at least 80 years, since the *Report on a City Plan for the Municipalities of Oakland and Berkeley*, prepared by Walter Hegemann in 1915. That plan called for an identifiable center of civic activity with an architecturally unified character and consistent wall of building frontages built to the sidewalk. The civic center evolved over the years, with a mix of buildings and uses occupying the park and perimeter until 1940's, when a community effort finally removed all of the prior development inside the park, including auto service stations, apartments, and retail stores.

The project site comprises the last set of properties that have not been assembled to form a cohesive building and use around the park. The site currently includes a 16-unit apartment building and an office building (Framat Lodge) from the 1920's, and a utility office and language school buildings from the 1950's and 60's. The site is neighbored by the Veteran's Memorial Building to the immediate east. Other buildings around the civic center park include old City Hall, the Civic Center Building, Berkeley High School Shop and Sciences Building, Community Theater, and Little Theater, and the State Farm Building. Each of these buildings is described below. A location map is provided in *Figure C-1*, which is keyed to information in *Table C-1*. Photographs of many of the buildings are provided in *Figures C-2 through 9*. A complete description of the site and surroundings is provided in the Project Description and in Section III.A, *Land Use and Planning*.



Veterans Memorial Building - Center Street



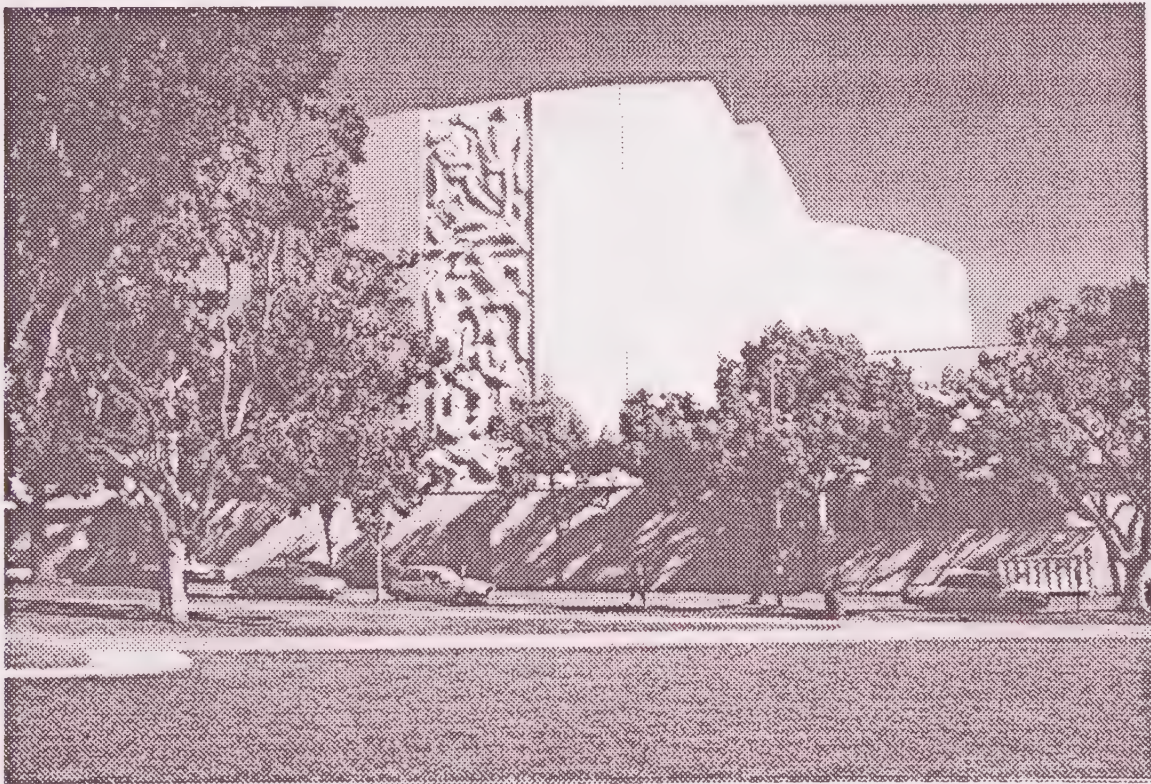
ETS/Farm Credit Building - Center Street

PHOTOS OF CIVIC CENTER LANDMARKS

FIGURE C-2



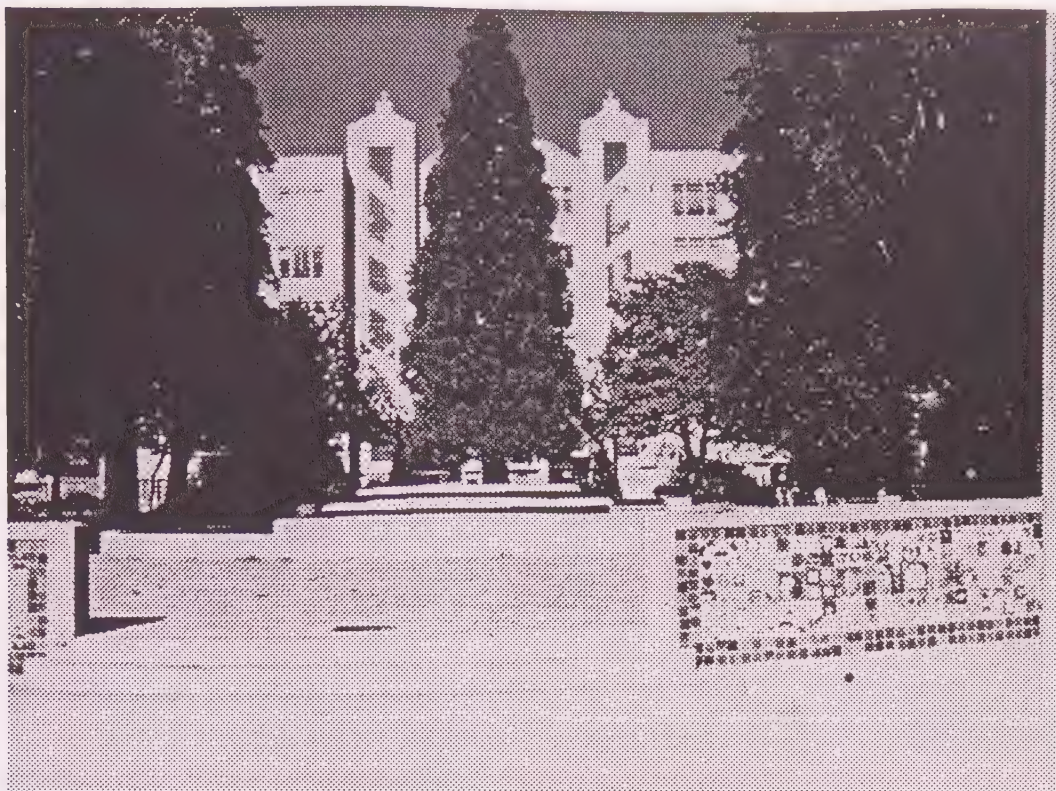
Community Theater - Allston Way



Science Building - Allston Way

PHOTOS OF CIVIC CENTER LANDMARKS

FIGURE: C-3



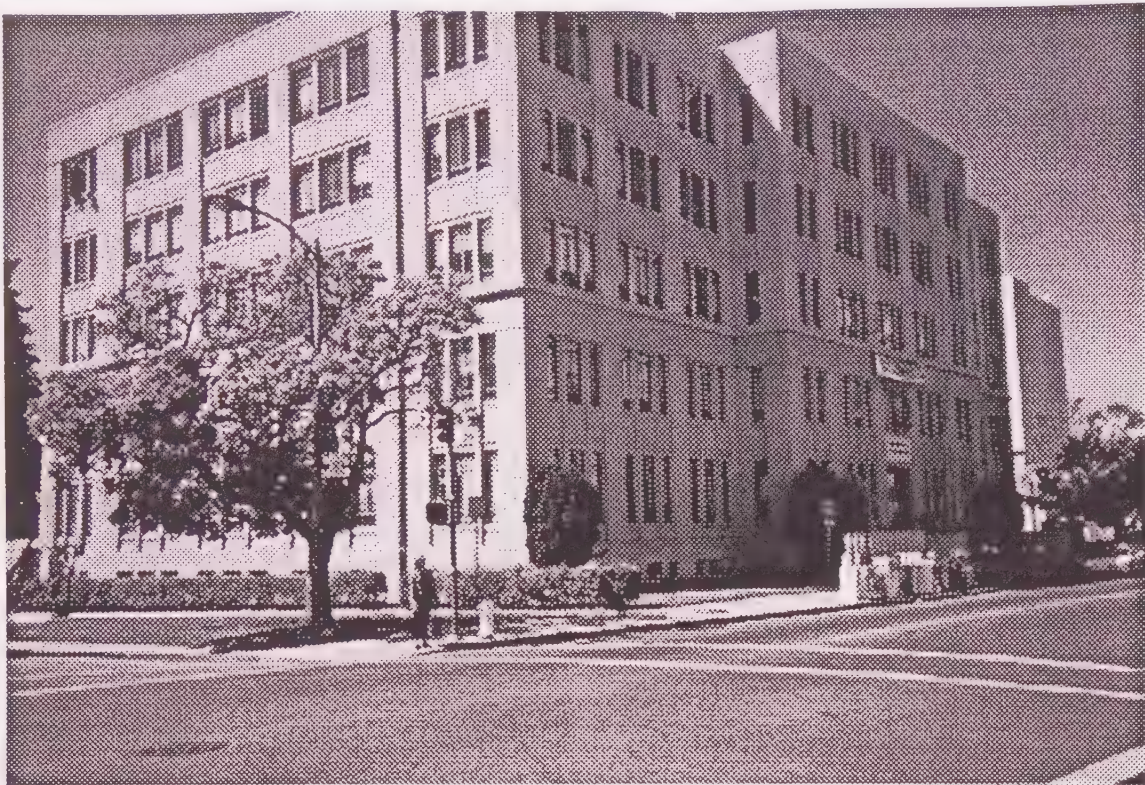
Rear of Civic Center Building



Old City Hall - Martin Luther King Jr. Way

PHOTOS OF CIVIC CENTER LANDMARKS

FIGURE: C-4



Civic Center Building - Milvia Street



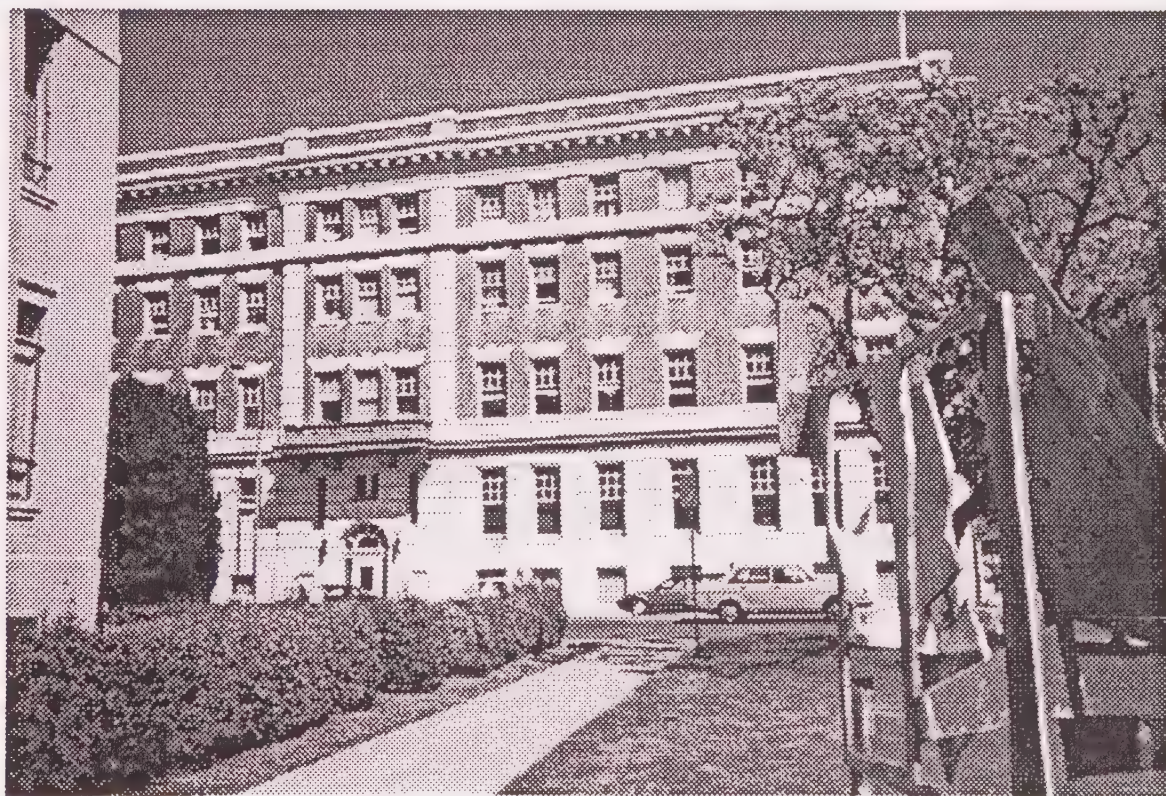
Berkeley Public Library - Shattuck Avenue

PHOTOS OF DOWNTOWN LANDMARKS

FIGURE: C-5



U.S. Post Service Office and Elks Club - Allston Way



YMCA - Milvia Street

PHOTOS OF DOWNTOWN LANDMARKS

FIGURE: C-6



Masonic Lodge - Bancroft Way



Pasand Offices and Restaurant - Bancroft Way

PHOTOS OF DOWNTOWN LANDMARKS

FIGURE: C-7



Shattuck Hotel - Shattuck Avenue



Corder Building - Shattuck Avenue

PHOTOS OF DOWNTOWN LANDMARKS

FIGURE: C-8



Corder Building - Bancroft Way



Corder Annex - Bancroft Way

PHOTOS OF DOWNTOWN LANDMARKS

FIGURE: C-9

Description of Landmark Buildings Near the Proposed Project Site

City Hall (now used as Berkeley Unified School District Administration Building), *2134 Martin Luther King Jr. Way*. The former City Hall was designed by Bakewell and Brown in the Beaux-Artsian Neo-Classic style. When the building was completed in 1909, it was viewed as the first increment of a civic center that would stretch to Shattuck Avenue. A 1914 plan created by Hobart and Cheney could not be implemented because the land proposed for it was not publicly owned. The Civic Center as it stands today was not completed until 1941. Old City Hall served as the seat of municipal government from 1909 until 1977. The building is now the Berkeley Unified School District's main administration building.

Old City Hall Annex (Berkeley Unified School District offices), *1935 Allston Way*. The Old City Hall Annex was designed by James W. Plachek and constructed in 1926 to house the offices of health, sanitation, and parks and playgrounds. This building is a residentially-scaled structure in a simplified Craftsman style.

Civic Center Building (former Farm Credit Bank), *2180 Milvia Way*. The former Federal Land Bank was designed by James W. Plachek and constructed in 1938. The building was designed in the Works Progress Administration (WPA) Moderne style with a symmetrical three-part composition. The City has conducted studies of its seismic safety and is now in the process of determining whether the building can and should be retrofitted, added to, or demolished and replaced.

Veterans Memorial Building, *1931 Center Street*. The Veterans Memorial Building was an important part of the development of the Civic Center, constructed in 1928 as part of a State-wide trend in building memorials to the war veterans. It is designed in the Classic Moderne style found throughout the area, with a decorated parapet that as recently undergone restoration. The parapet also has panels with "Veterans Memorial" incised into it, between medallions of the seals of the United States and the State of California. The interior is finished in dark wood paneling and smooth plaster. Display cases in the lobby contain mementos of veterans organizations. A two-story auditorium occupies the majority of the building, with a set of meeting rooms to the side in the front and upstairs. The building was designed by Henry Myers and his daughter Mildred Myers, with George Klinkhardt. Myers designed ten veterans buildings during his tenure as the County Architect.

Berkeley High School and Community Theater, *1922 Allston Way*. The three buildings on the Berkeley High School Campus are an outstanding architectural ensemble designed by William Corlett and Henry Gutterson in the Moderne style of the late 1930's and the 1940's. The Berkeley High School Community Theater was not dedicated until June 5, 1950, 10 years after construction began. By December 1941, the steel frame of the almost circular building was nearly complete. When the United States entered World War II, construction came to a standstill and was not resumed until 1949. The open steel-frame theater stood incomplete for almost a decade and became known as the "bird cage."

Description of Significant / Contributing Buildings On or Near the Project Site

Framat Lodge, *1900 Addison Street*. This building is located on the southeast corner of Addison Street and Martin Luther King Jr. Way. It features a very rich and embellished form of brick facade, full of ornamentation and detail, with many original leaded glass windows. It was added to the BAHHA inventory in 1995 and was designated an architecturally significant building by the authors of the *Downtown Berkeley Design Guidelines*. The possibility for designation as a landmark or structure of merit has been suggested by members of the City's Landmarks Preservation Commission. However, the LPC is awaiting more information on the building before

a status may be determined.⁶ According to City records, the building was built in 1926 and designed by S.G. Jackson, who was not associated with any other Berkeley buildings. It is presumed that S.G. Jackson was a Midwest architect who provided a stock plan to the organization that had the structure built. Many of the structural details of the original building were similar to Midwest buildings, according to the architect responsible for remodeling the building in the 1970's.⁷

According to a 1980 article in the *Independent & Gazette*,⁸ the Framat Lodge was part of a fraternal organization of Swedish men and women called the Vasa Order of America. The letters "VOA" can be found on the cornerstone. The building was dedicated by a member of the Swedish royal family and was used for many years as the center of social activity for the Berkeley lodge. Special detailing can be found in many parts of the facade which includes original brick work that has never been painted. Windows that face Addison Street are framed by glazed terra cotta pilasters capped with flat composite capitals. Similar pilasters frame the windows that face Martin Luther King, Jr. Way. Remodeling over the years has resulted in the addition of new windows and awnings at the ground floor, and planter boxes.

The building has been occupied by a series of schools and institutes during the past 20 or more years. The building is currently vacant due to seismic hazards related to non-compliance with City ordinances regarding unreinforced masonry structures.

Heywood Building / Rex Key, 1900 University Avenue. This mixed-use commercial/apartment building was designed by James Plachek and constructed in 1910. It is identified as a "Significant" building in the Downtown Design Guidelines; it would not be directly affected by the project. The proposed parking garage would be located adjacent to it on the Martin Luther King Jr. Way frontage.

National Guard Armory, 1950 Addison Street. Built around 1915, this building functioned for about 30 years as an armory. It was converted to a helicopter factory for a short period in the 1940's, and then was used as a lumber yard until further renovated in the late 1970's to its current use as office space. The building is unremarkable in its design and construction, and has been altered over the years. Thus it is not a landmark quality building, though it has some value as a reference to an earlier time in the history of downtown.

State Farm Building, 1947 Center Street. Built in 1946, the State Farm Building was the last major work of Berkeley architect James Plachek. The building cost \$1 million dollars at the time, and faced the design challenge of accommodating the large office needs of the client and harmonizing with the existing civic center buildings and plans for the park and environs. The six-story steel frame and concrete building uses a WPA Moderne style with the classical three-part composition. The entrance is via a central two-story bay within a portion of the building which projects out from the face of the walls. The lobby retains much of the original marble, brass, and stenciling in a subdued Art Deco style. It is identified as a "significant" contributory building by the City.

⁶ Discussion before the Landmarks Preservation Commission, March 3, 1996.

⁷ The Independent Gazette. July 3, 1980.

⁸ Ibid.

Other Buildings and Sites On or Near the Project Site

Mercantile Trust Apartment Building, 1907 Center Street. This 16-unit apartment building was built in 1925, and includes several bay windows along the front, sides and rear walls of the two and one-half story structure. It would be demolished as part of the proposed project. It has not been designated a landmark or structure of merit, and it is not included in the BAHA inventory or Downtown Plan inventory as a “significant” building. The building occupies the majority of its lot, except for a small rear yard. No parking is provided.

Boyd House, 1915 Addison Street. This house was constructed in the 1890's, and has been converted to law offices. The house is the probably last of its kind in the immediate area. A 12-unit apartment building was constructed to the rear of the house in the 1950's, with no parking or yard area, and no distinguishing architectural features. Both buildings would be demolished to construct the parking garage at the Courthouse project.

Martin Luther King Jr. Park (Civic Center Park). Martin Luther King Jr. Park has not been designated a landmark, nor is it listed as a significant resource in the BAHA inventory or any other inventory. In 1940, the city began the process of purchasing the park block. The bond measure approving its purchase and development was approved by voters in 1940, and by 1942, Berkeley was celebrating its new public open space. By that time, the basic form of the Civic Center was much as it is now.

Development Pattern of the Alternative Project Site

No historic buildings are currently located on the alternative site. The site's six parcels have undergone several phases of development. The alternative site for the courthouse was acquired by Francis Kittredge Shattuck in 1853. He had actually requested title in 1852, but was beaten to the purchase by a group of speculators who acquired the property from Luis Maria Peralta in the same year. Shattuck and friends were able to acquire the property when Joseph Irving, the new owner, died soon after the purchase. Shattuck established a business and political career in Oakland.

Shattuck built his first home in Berkeley around 1868, just northeast of the site in an area that is now Kittredge Street in front of the Main Library. The property included all of the grounds in the vicinity, including Strawberry Creek 200 feet to the north, barns, and a wind mill. By 1894, a second home was added to the property 75 feet northeast of the first one. Francis Kittredge Shattuck died in 1898, leaving a large estate to his wife and family.

Rosa Shattuck was a noted philanthropist, described in her obituary of 1908 as the wealthiest woman in Alameda County at that time. She participated with the Shattuck heirs in the formation of the Shattuck Hotel Association. She also donated the land for the Carnegie Library (replaced by the Public Library) in 1903, and donated land for the YMCA built after her death in 1910. A small commercial building was located on Milvia Street where the current Milvia Restaurant stands.

As the Shattuck heirs began subdividing their land, the project block was occupied with approximately 8 houses facing Bancroft Way. Several lots had been created along what was to become Kittredge Street, but no street was in place until after both of the Shattuck houses were moved to parcels on the project block fronting what is now Armstrong College. Moving these houses made way for construction of the Shattuck Hotel, which began in 1909 with a 4-story building at the corner of Shattuck Avenue and Allston Way, and was expanded several times to include the entire Shattuck Avenue frontage in 1913, the southwestern corner in 1926, and the remaining western portion of the block in 1957.

In 1924, the project block was still occupied on the south by individual houses, and on the north by the two Shattuck houses and land dedicated for the new Main Library, to be built in 1930. Shattuck family heirs Rosa and William Woolsey still held title to the two parcels on Kittredge Street where the houses stood. In 1926, the Shattuck house is described as a "boarding house," but by 1937 the original 1868 Shattuck house had been demolished and the site was used for parking. The 1894 home was still standing, neighbored by an auto shop.

In 1949, the majority of the site had been cleared for a paved parking lot used for auto sales. Several small buildings were also developed on the site: a hamburger stand owned by Lester Hink was located near the Main Library; a lunch and candy store was located at the parking lot on Bancroft Way that is now used for postal delivery vehicles; a Mobil gas station occupied the current location of the Yas auto repair shop; the Milvia Restaurant building was still in place; and the Berkeley Motel had been built at the corner of Milvia Street and Bancroft Way.

The Hink's two-story parking garage was built in 1956, replacing the hot dog stand and used car parking lot. The garage did not include a smaller lot on Bancroft, which is now owned by Armstrong University and used for surface parking available to the public. The remaining uses were unchanged until 1969, when the lunch and candy store was demolished and the site was converted to its current parking lot use for postal vehicles; that site is now owned by Transaction Associates. By 1979, the gas station at the corner of Milvia and Kittredge was replaced with the currently existing YAS auto repair garage and office.

Neighboring Properties on the Same Block as the Alternative Project Site

The alternative project site is located on a block with frontage on Shattuck Avenue, but the project itself would not front on Shattuck. Two properties on the Shattuck Avenue frontage are local landmarks: the Berkeley Main Library; and the Pasand Building, also known as the Morse Block, Donough Arms, or Pasand Building. A third building on this frontage, the UA Theater, is considered a "significant" building by the City of Berkeley. The fourth and final building on the Shattuck frontage is a small storefront which is not considered historic or significant, except in its role in filling the street frontage.

Development on Blocks Near the Alternative Site. The project block is neighbored to the north and northeast by several historic structures. These include the United States Post Office and Armstrong College on the block immediately north of the site, and the Shattuck Hotel to the northeast. The site faces the rear of the Post Office, which has its main entrance on Allston Way. Armstrong College has two entrances, one on Kittredge Street and one on Harold Way. Also on that block is the Elks Club building, now occupied by a church, located next to the Post Office at Allston Way and Harold Way. Its entrance is on Allston Way. The last building on the block is an insignificant one-story office building facing Harold Way. The Post Office is on the National Register; the Elks Club and Armstrong College are local landmarks. Further north, across Allston Way, is the YMCA. The Civic Center Building (formerly the Federal Land Bank) is to the northwest, and is listed on the National Register of Historic Places.

The block to the south of the alternative site is occupied by a 3-story apartment complex built sometime around the 1960's, as well as several smaller, older residences and apartments of average age and character. Two buildings are of note: the Corder Building occupies the entire Shattuck Avenue frontage. It is a building similar in some respects to the Shattuck Hotel. The Boone's School, described above, is located on Durant Avenue and is not visible from the site. Both of these structures are on the National Register.

Description of Historic Buildings and Designers near the Alternative Site

Berkeley Public Library, 2090 Kittredge Street. The Main Library is located at the corner of Kittredge and Shattuck, separated from the project site by a small plaza and parking lot that is part of the Library parcel. The building's main entrance faces Kittredge Street. Large banks of tall windows face east, north, and west.

The Public Library has its roots in a private lending library that opened in 1893. By 1895, it was a free public library with branches in west and south Berkeley. Francis Kittredge Shattuck headed the Board of Trustees. A main library building was first built at the present site in 1903, designed by John Galen Howard in the Spanish Revival style.

The present library replaced that building in 1930. It is built in the Art Deco style of the era, with large columns topped with leaf motifs and separated by chevrons, banks of windows that light the large reading rooms, and decorative work that depicts the process of bookmaking. The architect, James Plachek, came to San Francisco from Chicago to study the effects of the earthquake and fire. He designed the Alameda County Courthouse in Oakland, as well as civic and commercial buildings, warehouses, and residences. Among the buildings in Berkeley's downtown, he designed City Hall Annex, the Farm Credit Building (now Civic Center Building), the Corder Building, and the Public Library.

The Library Board of Trustees is currently studying expansion plans to meet the changing demands for materials, storage, and staffing, as well as seismic safety and accessibility. The building is listed on the National Register of Historic Places.

Morse Block / Donough Arms / Pasand, 2276 Shattuck Avenue. The Morse Block is a three-story buff-colored brick building in the classic revival style. It is located at the corner of Bancroft and Shattuck, and is separated from the project site by the rear portion of the UA Theater. It is U-shaped, with the entry to upper floors at the top of the "U" on Bancroft Way. The ground floor was designed for commercial use, and the upper floors for residential use. Upper floors are now used for offices. The commercial windows and doorways have undergone several alterations, but the upper stories retain the original facade, including rich classic motifs. Built in 1906, it was occupied between 1921 and 1935 by Donough Drygoods, a competitor to Hink's.

The architect was Charles Dickey of Dickey and Reed. Dickey was born in Oakland in 1861, graduated from the Massachusetts Institute of Technology in 1894, and established an office in Oakland in 1905. He also designed the Claremont Hotel in 1906, as well as the Capwell and Kahn department stores in Oakland. Most of his work was done in Hawaii, where he practiced before 1905 and after 1925.

Corder Building, 2300 Shattuck Avenue. The back and north side of this building is visible from the project site. It is currently occupied by various commercial tenants, residential apartments, and the Continuing Education of the Bar. The four-story building, now called the Shattuck Apartment Building, and the five-story Shattuck Hotel are the two major buildings that define the downtown's historic character and period of significance. Both buildings cover their respective block frontage on the west side of Shattuck Avenue, and have been extensively rehabilitated.

The first floor of the Corder Building was constructed in 1921, with additional residential floors added in 1925. Thomas W. Corder lived in Oakland and had several business interests in Berkeley, including tanning and wool.

The upper floors of this building were leased to W.W. Whitecotton, who named it the Hotel Whitecotton Apartments. Whitecotton also owned the Shattuck Hotel at the time.

Boone's University School, 2029 Bancroft Way. This is the oldest surviving building in the downtown, built in 1877 as a single-story house and expanded around 1885 to house a boys school in a three-story, twenty-room Italianate-style Victorian. The boarding school was advertised as a "home school for boys" preparing them for college. The school was successful, and other buildings were built around it on both sides of the street. This building is the only surviving part of the complex, and has been converted to offices.

United States Post Office, 2000 Allston Way. The Post Office, listed on the National Register, was built in 1914 in a style described as Second Renaissance Revival, with high round arches on plain Tuscan columns. The arches are outlined in terra cotta. The building also has a wide terra cotta beltcourse with various designs that separates the ground floor from the second floor, and continues around the entire building. A smaller frieze tops the second story just below the roof. The corners of the building are made up of simulated stone blocks, and the roof is covered in tile, with wide overhangs and brackets. The building's main entrance on Allston Way includes broad steps and a loggia whose arches are repeated on the front wall of the building and on the wall between the lobby and workroom. It was designed by Oscar Wenderoth, who designed many post offices across the United States while working for the Treasury Department Supervising Architect's Office. Wenderoth began working for the office in 1897 and became head of the department in 1912.

Elks Club, 2018 Allston Way. The Elks Club building was begun in 1913. It was designed by Walter Ratcliff in a handsome Classic Beaux Arts style with so-called Edwardian elements, divided into the same three-part composition as many other buildings in the area. As with the YMCA and Library, a raised basement forms the base, with projecting square bays at the corners and a roofline composed of a frieze, cornice and parapet. The Oaks Club was first established in Berkeley in 1905. In 1911 the present site was selected and purchased from Shattuck. The Elks Club, along with the Masonic Lodge on Shattuck Avenue and Odd Fellows Temple on Fulton Street, was part of the social and commercial club life of the time.

Armstrong College, 2222 Harold Way. Armstrong College was built in 1923 to house a business college founded in Berkeley by J. Evans Armstrong in a small building on Shattuck Avenue in 1918. The building is part of a stylistically harmonious grouping of buildings in the area, including the Elks Club, Post Office, and Shattuck Hotel. Similar features include multi-paned arched windows, stucco siding, and tile roofs. Armstrong College and the Elks Club were designed by Walter Ratcliff, Jr., who worked in the offices of other two local influential architects, John Galen Howard and Bernard Maybeck. He also worked as Berkeley City architect in 1913, and worked to establish local zoning laws. Other major complexes include Mills College in Oakland and the Pacific School of Religion in Berkeley.

YMCA, 2001 Allston Way. The Young Men's Christian Association (YMCA) was founded in London in 1844 and was established in Berkeley in 1903. The site of the YMCA building was dedicated by the estate of Rosa Kittredge Shattuck, and built in 1910 with funds raised by civic leaders. The architect was Benjamin McDougall, who designed the Shattuck Hotel the year before. The YMCA building uses classic elements of Georgian architecture, with red brick and cream colored stone base and trim. The central entrance is flanked by Tuscan columns and pilasters and topped by a balustrade and window composition. McDougall was born in San Francisco and studied at the California School of Design. He designed several homes in the Claremont district of Berkeley, churches, and office buildings. He also designed the county courthouse in Klamath, Oregon.

Shattuck Hotel, 2200 Shattuck Avenue, 2068 to 2070 Allston Way, 2060 to 2099 Kittredge Street. The Hotel Shattuck was constructed in four phases from 1909 to 1957. The dominant architectural style of the building is

Edwardian with overtones of the Mediterranean Revival style. The architect for the 1909 and 1913 phases was Benjamin McDougall, the architect for the 1926 addition was Walter H. Ratcliff, Jr., and the 1957 addition was the garage. Hink's, a family-owned department store, occupied the building's ground floor from 1915 to 1985.

UA Theater. The UA Theater was constructed in 1932, based on a design by Balch & Stanbery. It is identified as a "Significant Building" in the BAHA Downtown Survey and in the Downtown Berkeley Design Guidelines. It has an ornate entrance on Shattuck, but only tall blank walls and emergency exit staircases on the rear of the building facing the alternative project site. The street facade on Shattuck has been altered substantially, as well, but retains much of its design motifs and lobby.

Impacts and Mitigation Measures

Significance Criteria

Significance criteria are derived from the CEQA Guidelines, including Appendix G and Appendix I, which state that a project would normally be considered to have a significant impact if it would result in the following:

- Disruption or adverse effect on a prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group; or a paleontological site except as part of a scientific study.

For the purposes of this EIR, impacts are evaluated based on criteria expressed in the federal regulations of the Advisory Council on Historic Preservation, found at 36 CFR 800, which govern the Section 106 review process. Regulations similar to these are proposed for adoption at the State level. City landmark criteria also are similar. State statutes create a presumption of impact significance for substantial adverse impacts on historic resources listed in a local register, or listed or eligible for listing on the California Register of Historic Resources.

In summary, a significant effect would occur if the project would compromise the integrity of a property or district that is eligible for listing or presently listed on any of the following: National Register of Historic Places, National Historic Landmarks, California Register of Historical Resources, California Historical Landmarks, California Inventory of Historical Resources, Points of Historical Interest, or locally designated landmarks or resources.

Federal Standards of Significance. The criteria for determining adverse effect are defined as follows: "An undertaking is considered to have an adverse effect when the effect on a historic property may diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Adverse effects on historic properties include, but are not limited to: 1) Physical destruction, damage, or alteration of all or part of the property; 2) Isolation of the property from or alteration of the character of the property's setting when that character contributes to the property's qualification for the National Register; 3) Introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting; 4) Neglect of a property resulting in its deterioration or destruction; 5) Transfer, lease, or sale of the property."

Effects of an undertaking that would otherwise be found to be adverse may be considered less than significant under certain circumstances, such as when the buildings are designated only for their research value, when rehabilitation and alterations are conducted in accordance with federal standards, or when adequate restrictions are placed on a sale or lease to protect the resource.

Potential Impacts and Recommended Mitigation Measures

Archaeological Resources. Based on available information, there is a low probability of directly affecting archaeological resources at the project or alternative site. As discussed in the Setting section, no significant archaeological resources have been found in the project vicinity, and none are expected to be found due to the site's character and location. Nonetheless, it is possible for previously unknown resources to be discovered during project implementation, particularly during site clearing and excavation for foundations and underground parking.

Impact C-1: There is the potential for discovering previously unknown archaeological and historical resource materials during excavation for foundations, parking garages, or other purposes. (LS)

No data available at this time would suggest that previously unidentified prehistoric or historic materials are located at the project site. The source of such material would be from debris generated by native inhabitants of the area prior to the 1800's, and from historic occupation of the site and vicinity since then.

Generally speaking, evidence of Native American occupation is typically found near shore lines, creeks, and in rock outcroppings. The project site is about 300 feet from the original alignment of Strawberry Creek, which now runs east-west through a culvert about two blocks north of the site. An Indian burial ground has previously been found at Oxford and Center Streets, about one-quarter mile east of the site. The project site is also in the general vicinity of an area visited by early Spanish explorers Fages and Crespi. A plaque commemorating their visit to the Berkeley area is located in the same area as the burial ground. However, no prehistoric or historic archaeological resources have been found in the immediate project vicinity.

Historically, the project site has been developed for several small scale residences around the turn of the century, and then redeveloped with commercial and apartment uses. Therefore, the site has already been subject to substantial disturbance. Similarly, the alternative site was first occupied by the Shattuck family around the turn of the century, and has undergone a series of developments with other residential and business structures since then. Artifacts from the site that could be of interest would be primarily the remains from the Shattuck family's occupation of the site. There is a remote chance that material from the Shattuck's gardens, outbuildings, trash pits and work areas could remain buried beneath various downtown structures and fill.

The following mitigation measure would ensure that any remaining prehistoric or historic materials that could be on the site would be protected.

Mitigation Measure C-1: Excavation contractors should be alerted to the possibility of uncovering resources from prehistoric or historic periods of occupation, and should be provided with adequate information to be able to recognize potential resource materials. If any significant resources are uncovered, the requirements of CEQA Guidelines Appendix K should be complied with, which outline procedures for responding to archeological resource finds during construction.

On-Site Structures. The proposed project site is currently developed with a mix of uses and structures. One of these, the Framat Lodge, has been initiated for further study as a historic resource by the City of Berkeley Landmarks Preservation Commission. No formal action has been taken as of this writing. Construction of the Courthouse project at this site would require the demolition of the Framat Lodge building. Despite the lack of complete documentation, the loss of the Framat Lodge building is considered a potentially significant, unavoidable impact of the project because of the nomination for City landmark status.

Impact C-2: Development of the project would result in the demolition of the Framat Lodge, a structure that has been included in a City of Berkeley survey of downtown structures as an “architecturally significant” building, and has been initiated for Landmark status by the City of Berkeley Landmark Preservation Commission. (SU)

The Framat Lodge is not currently considered a City Landmark but some documentation is included in the BAHA inventory of all downtown structures. It was also designated an architecturally significant building by the authors of the *Downtown Berkeley Design Guidelines*. These designations do not carry any official weight, although the BAHA survey is generally referred to and the *Design Guidelines* were adopted by the city's Design Review Committee and Planning Commission. The LPC recently initiated the building for landmark status, subject to obtaining adequate information to justify the designation under the criteria described above.

It has been suggested by members of the public that the new courthouse could be built next to or around the Framat Lodge building, or could incorporate portions of the building into the design of the new facility. The County has reviewed the proposed courthouse programming needs, typical floor plates, and floor-to-floor height requirements, and has found that the Courthouse could not incorporate the Framat Lodge exterior or interior features into the design of the new courthouse. The project has several key elements for reasons of safety, efficiency, and cost-effectiveness which indicate that a rectangular building that occupies the entire frontage on MLK Way is most suitable. For example, a single entry point is required to facilitate security checks for all visitors to the facility. That entry point would be on Center Street, facing the park and other civic buildings. The project also has a central core holding facility and circulation shaft to provide staffing efficiencies and security enhancements. This layout requires that the courts be oriented in a certain way, as shown in the project description. Also, the internal access between departments is important, and is facilitated by the stacked layout of the “office” spaces and court modules. Constructing the courthouse around the Framat Lodge would require the acquisition of additional land, including additional residential units, and an inefficient reconfiguration of the courthouse project. Therefore, the courts have chosen to proceed with the project as proposed as directed by the City staff and community representatives who helped prepare the Civic Center Urban Design Plan. The Framat Lodge is not considered a candidate for moving, due to the structural characteristics of the building. Site planning options are discussed in more detail in Chapter V, *Alternatives*.

Mitigation Measure C-2a: (Civic Center Site) Formal documentation of the Framat Lodge could be provided similar to that required for the Historic Architectural Building Survey (HABS), as a means of recording the important features of the building. A description of the building’s past uses and influence on the City’s development, if any, could also be prepared for future reference at BAHA, the LPC, or other appropriate depository. A commemorative plaque could be placed in a prominent location to recall the historic use of the site.

Large format photographs, scale drawings, and other documentation could be assembled prior to demolition and deposited with an appropriate agency for future reference. While this would not physically preserve the building, it would make it possible to refer back to the elements that made it attractive and that may have been a part of the design history of the City. At this time, it does not appear that the building was related to any other design trend, movement, or group in the City, but it does have some relationship with the other buff pressed-brick buildings in the downtown, including the Kress Building, Morse Block, and the Masonic Temple. However, those buildings have distinctly different detailing than the Framat Lodge and are not located in close proximity to it.

Mitigation Measure C-2b: (Civic Center Site) Funding could be provided to assist in the restoration of other nearby historic structures deemed more significant than the Framat Lodge (e.g., Old City Hall, Veterans Memorial Building).

The City has been evaluating the seismic safety and retrofit needs of many of its facilities, including those in the Civic Center area. If it is deemed appropriate, the County could assist in upgrading buildings with more civic presence and usefulness as part of the project's overall contribution to the area. No formal discussions regarding this effort have occurred as of this writing, but, as an example, the Veteran's Memorial retrofit is estimated to cost over \$1 million. It should be noted that the County does not currently have funds to perform this work. In addition, the City's recent success in passing a bond measure for seismic and civic center beautification projects may already be adequate to meet the needs of the City for retrofitting civic center buildings.

Impacts to Other On-Site Buildings. The apartments at 1907 Center Street were constructed in the 1920's, and the house (converted to offices) at 1915 Addison Street was built around 1890. These two buildings are attractive, older structures which some members of the community have expressed affection for.

Impact C-3: The project would require acquisition and demolition of several older buildings on the site which are architecturally interesting, but are not likely candidates for City landmark status nor have they been identified as "architecturally significant." (LS)

These two older structures could theoretically be moved to another location, whether in sections or as a whole, and could be placed on a new foundation somewhere near the project site to be used by private or public parties. However, there are very few vacant sites which are available and would be suitable for these structures. In addition, moving them would likely require upgrading all of the systems and structural elements to current code, which could prove to be prohibitively expensive. Nonetheless, if and when the County pursues site acquisition, it may be possible to offer the buildings for moving if it could be done in a timely manner.

Mitigation Measure C-3: (Civic Center Site) Buildings at the project site could be offered for sale or free of charge, subject to the buyer moving the buildings at no cost or liability to the County.

Based on available information, none of the buildings at the alternative site are designated as landmarks, significant buildings, or architecturally interesting by any party. Demolition of those structures would not constitute a significant impact to historic resources; no mitigation is required.

Impacts to the Context of Neighboring Structures. The project site and alternative site are neighbored by several landmark historic buildings, significant contributing buildings, and numerous less notable buildings, as described in more detail in the Setting section of this chapter. The project would involve the construction of a large new Courthouse building and parking garage in a location with high visibility and in close relationship with existing landmarks constructed during the 1920's through 1940's.

Impact C-4: The project would alter the setting of adjacent or nearby buildings that are on the National Register of Historic Places and/or on the City's list of "landmark" or "significant" buildings. (LS)

The project is not expected to have an adverse effect on the historic buildings in the project vicinity, as defined by the National Register implementing regulations found at 36 CFR 800.9 (b), which states that "an undertaking is considered to have an adverse effect when the effect on a historic property may diminish the integrity of the

property's location, design, setting, materials, workmanship, feeling, or association. Adverse effects on historic properties include, but are not limited to: 1) Physical destruction, damage, or alteration of all or part of the property; 2) Isolation of the property from or alteration of the character of the property's setting when that character contributes to the property's qualification for the National Register; 3) Introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting; 4) Neglect of a property resulting in its deterioration or destruction; 5) Transfer, lease, or sale of the property."

The project clearly will not have any adverse effect under Criterion 1, "physical destruction, damage, or alteration of all or part of the property." None of the historic landmark buildings in the civic center or downtown would be directly affected by the construction.

The project could have an adverse effect under Criterion 2, "isolation of the property from or alteration of the character of the property's setting when that character contributes to the property's qualification for the National Register." The project site is located on an important corner of the Civic Center core, with a series of landmark buildings located around and next to it. The Courthouse project offers the opportunity to complete the urban "room" around the park by developing a civic use within a monumental building with appropriate design elements. The existing uses on the site do not provide this function. The overall setting of the civic center and downtown area, which gives the area its overall character, would not be adversely affected by the construction of a new building at this location. In fact, the project is intended to enhance the setting of the Veterans Memorial Building, City Hall, Community Theater, State Farm Building, and Federal Land Bank Buildings, each of which face the Civic Center Park.

The alternative site is located in a corner of the downtown bounded near several historic buildings. This corner is a transitional area between the downtown and traditional residential neighborhoods that have been subject to intermittent development of apartment complexes and institutional uses. Redevelopment of this side-street site as a modern civic building would not isolate the historic buildings because they gain their character of setting from each other and the larger commercial and civic districts of which they are a part, and would continue to do so after project construction. Redevelopment of the alternative site as a cohesive civic building complex could actually improve the setting of the other landmark buildings in the area because the site would be cleared of its conglomeration of non-descript, auto-oriented businesses that actually detract from the appearance and cohesion of the historic district.

At either site, the project will be designed in response to the influence of the neighboring buildings so that, although the setting will be altered, it will not be detrimental to the existing landmarks. The design will consider guidelines expressed by federal, State, and local historic preservation agencies. For instance, massing, fenestration, and detailing are intended to be compatible with the historic properties, without mimicking or forming an inappropriate conglomeration of forms and styles. The majority of the buildings around the Civic Center have a clear set of design influences. The downtown area as a whole has a somewhat broader range of styles from which to draw; therefore, this will be an important consideration in the final design of the courthouse building and parking garage.

The project also will be designed to avoid potential adverse effects under Criterion 3, "introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting." As mentioned above, the visual design will respond to the setting without imitating it. In addition, noise and air emissions will be limited through careful design and placement of mechanical equipment, and because the courthouse is by its very nature a low emitter of noise and air pollution. These issues, as well as traffic generation, are evaluated in more detail elsewhere in this EIR.

Criterion 4, neglect of an historic property, does not apply to the project because the properties are currently not designated as landmarks, and because the County does not yet own them or have responsibility for maintaining them. However, the project would conflict with Criterion 5, relating to the transfer, lease, or sale of a historic property without controls on the use of the building, because the Courthouse project would involve the acquisition and demolition of the Framat Lodge, which could be considered historic.

Mitigation Measure C-4: See Mitigation Measure B-1.

Historic District. The City's Landmarks Preservation Commission has apparently determined that the downtown area meets the eligibility criteria for a historic district on the National Register. No nomination has been prepared, and no formal consultation has been conducted to propose the district's listing. However, it is clear that the area has a relatively high density of intact historic buildings, which could be found to have the integrity and character necessary to meet the criteria for listing. Relevant criteria include: A. Represent the broad patterns of the City's history; B. Are associated with the lives of persons significant in the City's past; and, C. Embody the distinctive characteristics of a type and period of construction, are the work of masters, and/or represent a significant distinguishable entity.

Impact C-5: The project would introduce a large new courthouse and parking garage within an area that may be eligible for listing on the National Register of Historic Places as a historic district. (LS)

At either site, the Courthouse project, in and of itself, is not likely to compromise the integrity of the potential downtown historic district. This conclusion is based on the preceding discussion relating to specific historic sites in the project vicinity and the following factors. The boundary of the possible historic district has not been defined, but would presumably be limited to include those blocks with a preponderance of historic buildings oriented around the downtown corridor on Shattuck Avenue and the Civic Center park. The proposed project site and alternative project site both occupy half of a city block, on which half of the remaining structures are landmarks. Other blocks in the area are occupied by a similar density of landmarks. However, the project site and alternative site are also located in transitional areas toward more common residential or commercial areas.

Therefore, the project site could easily be excluded from the historic district without interrupting the contiguous boundary usually necessary for such a district, or the new project could be included if it is deemed to be a suitable contributing civic element. In fact, the project site and alternative site would probably be excluded from a historic district in their current condition because the existing development is a detracting element in the district, occupied with a haphazard group of functional but generally unremarkable buildings. Therefore, the project would not affect the integrity of the downtown or civic center historic district. Development of the new Courthouse would also provide the opportunity to demolish the existing court building, which is currently a detracting element in the Civic Center, especially due to its close proximity to the old City Hall. This would be a net benefit to the historic district.

Mitigation Measure C-5: See Mitigation Measure B-1.

Chapter III.D - Geology and Hydrology

Existing Setting

Geologic Setting

The project site geology and soils have developed as part of the San Francisco Bay plain within the Coast Ranges geomorphic province of California, a northwest trending series of low mountain ridges and valleys that include the Berkeley Hills. The project site is located approximately midway between the Berkeley Hills and the San Francisco Bay. Bedrock in the region generally consists of the Franciscan complex, which is divided into broad, discrete bands by the major fault zones of the region. The Franciscan complex is a heterogeneous mixture of deep marine sedimentary rocks (sandstones, limestones, and radiolarian cherts), volcanic rocks, and metamorphic rocks of variable grade. The bedrock is generally dense and hard, and outcrops occasionally in the hills to the east.

Overlaying the bedrock are multiple layers of unconsolidated sediments eroded from upland areas, known as the Temescal Formation. These deposits, which extend from the base of the Berkeley foothills to the eastern edges of the San Francisco Bay, consist primarily of unconsolidated clays, silts and sands interbedded with occasional discontinuous layers of gravel. These alluvial deposits are generally 20 to 75 feet thick in the project vicinity, and can reach depths of 300 to 1,000 feet in other portions of the East Bay. See *Figure D-1*.

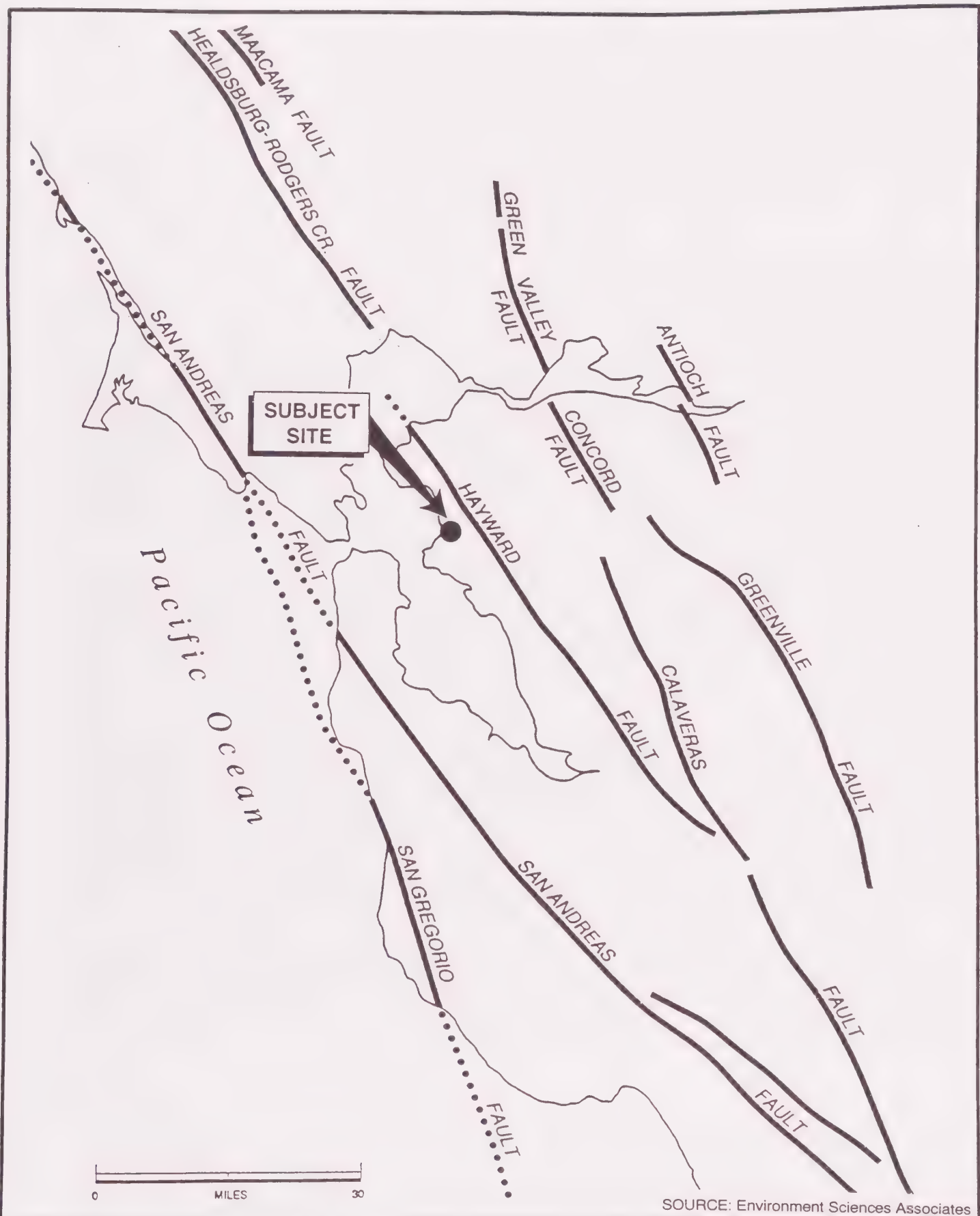
Hydrologic Setting

The civic center/downtown area is highly urbanized, developed and paved to such a degree that surface water runoff is high. Prior to urbanization, the area was drained exclusively by Strawberry Creek, which runs through the area along Allston Way and Center Street. The creek has now been contained in a box culvert that runs from the eastern edge of downtown at the University of California, through the downtown, and continues toward the west where it is intermittently open or covered. The culvert is considered adequate to contain a 100-year storm. However, loose fill materials were used to cover the old creek bed, and the storm drain pipe has been subject to effects of age, which occasionally results in cave-ins and other localized failures.

Local storm drains adequately serve the downtown to control flooding when well-maintained. However, occasional backups can occur if accumulated trash is not cleared. Runoff from east-west streets is toward the west; runoff on north-south streets is generally toward the south. Groundwater is estimated to be about 20 feet below the surface. However, the level fluctuates with seasonal rainfall and is variable in locally perched aquifers formed by the variable sediment formations throughout the downtown.

Seismicity

The San Francisco Bay Area is an area of seismic activity dominated by the major strike-slip systems such as the San Andreas, Hayward, and Rodgers Creek Faults, shown in *Figure D-2*. Descriptions of these faults are shown in *Table D-1*. These faults are located at the seams between large plates of the earth's surface, moving in a northwestward movement an average of about two inches per year. Gradually, the shifting plates overwhelm the strength of the rocks that make up the point of contact between the plates, causing the rocks to snap along the fault. This release of energy, commonly known as a slip, results in seismic waves, better known as an earthquake.



SOURCE: Environment Sciences Associates

REGIONAL FAULT MAP

FIGURE: D-1







Kf - Mixed Bedrock Types
Franciscan Formation

Qpa - Late Pleistocene Alluvium
Temescal Formation

Qham - Pleistocene to Holocene
Medium-Grained Alluvium

Qhaf - Pleistocene to Holocene - Fine -
Grained Alluvium

 - Hayward Fault
(dashed where inferred)

 - Alquist - Priolo Special Studies Zone
Boundary

BASE MAP: USGS Map

SOURCE: Radbuch, 1957; Helly et al. 1979; Nielson, 1975

LOCAL GEOLOGIC MAP

FIGURE: D-2

Table D-1
SEISMICITY OF ACTIVE FAULTS
MOST LIKELY TO AFFECT THE PROJECT AREA

Fault	Length (miles)	Approx. Distance to Site (miles)	Maximum Credible Event (Richter magnitude)	Historical Local Earthquakes	
				Date	Magnitude (or max. intensity)
Northern San Andreas	660	18	8.3	1838	7.0
				1865	7.0
				1906	8.3
				1957	5.3
				1989	7.1
Seal Cove / San Gregorio	110	23	7.8	1926	6.1
Calaveras	80	11	7.5	1861	7.0
				1897	(VIII)
				1911	6.6
				1979	5.9
				1984	6.2
Hayward	60	1	7.5	1836	6.7
				1868	7.0

Source: YMCA / TA Development Partners Mixed Use Project EIR, City of Berkeley, 1990.

Earthquake *magnitude* scales measure the maximum the amount of energy released by an earthquake. The Richter scale is the most commonly known. It is a logarithmic scale, on which each whole number increase represents an increase of 10 on the seismograph amplitude, and an energy release roughly 31 times the next lower whole number. The Hayward fault experienced two 6.7 to 7.0 Richter earthquakes in 1836 and 1868. The 1906 San Francisco earthquake has been estimated at 8.3 Richter. Worldwide, the largest earthquakes attain magnitudes of about 8.9.

Earthquake *intensity* scales describe the effect of an earthquake on people, structures, and the Earth's surface, rather than the energy released by an earthquake. The measurement is necessarily subjective, as it is based on personal observations and reflects local conditions. Two types of intensity scales are commonly used: the San Francisco scale (SFI), and the Modified Mercalli scale (MMI). As shown in *Table D-2*, the SFI includes "weak," "strong," "very strong," "violent," and "very violent" earthquake intensities.

Table D-2
EARTHQUAKE INTENSITY SCALES

San Francisco Scale	Richter Magnitude Correlation	Modified Mercalli Intensity	Description	Average Peak Acceleration
Weak	3	I	Not felt.	0.0035 - 0.007g
		II	Felt by persons at rest, on upper floors, or favorably placed.	
		III	Felt indoors. Hanging objects swing. Vibration like passing of light truck. Duration estimated. May not be recognized as an earthquake.	
	4	IV	Hanging objects swing. Vibration like passing of heavy trucks, or sensation of jolt like a heavy ball striking the walls. Standing automobiles rock. Windows, dishes, doors rattle. Wooden walls and frame creak.	0.007 - 0.015
		V	Felt outdoors; direction estimated. Sleepers wakened. Liquids disturbed, some spilled. Small unstable objects displaced or upset. Doors swing. Shutters, pictures move. Pendulum clocks stop, start, change rate.	0.015 - 0.035
Strong	5	VI	Felt by all. Many frightened and run outdoors. Persons walk unsteadily. Windows, dishes, glassware broken. Knickknacks, books, and so on knocked off shelves. Pictures fall off walls. Furniture moved or overturned. Weak plaster and masonry cracked. Damage slight.	0.035 - 0.07
	6	VII	Difficult to stand. Noticed by drivers of automobiles. Hanging objects quiver. Furniture broken. Weak chimneys broken at roofline. Negligible damage in buildings of good design and construction; slight to moderate in well-built ordinary structures; considerable in poorly built or badly designed structures.	0.07 - 0.15
Very Strong			VIII	Steering of automobiles affected. Damage slight in specially designed structures; considerable in ordinary substantial buildings, with partial collapse; great in poorly built structures. Panel walls thrown out of frame structures. Frame houses moved on foundations if not bolted down. Branches broken off of trees. Cracks in wet ground and on steep slopes.
Violent	7	IX	General panic. Damage considerable in specially designed structures; great in substantial buildings, with partial collapse; well designed frame structures thrown out of plumb. Ground cracked conspicuously. Underground pipes broken.	0.35 - 0.7
	8	X	Some well-built wooden structures destroyed; most masonry and frame structures destroyed with foundations; ground badly cracked. Rails bent. Landslides considerable from river banks and steep slopes. Water splashed (slopped) over banks. Serious damage to dams and dikes.	0.7 - 1.2
Very Violent		XI	Few, if any masonry structures remain standing. Bridges destroyed. Broad fissures in the ground. Underground pipelines completely out of service. Earth slumps and land slips in soft ground. Rails bent greatly.	> 1.2
		XII	Damage nearly total. Waves seen on the ground surface. Lines of sight and level are distorted. Objects thrown into the air.	

Source: Geologic Survey, 1983; ABAG, 1986.

The MMI ranges from I to XII, with I not felt, and XII causing massive destruction. For comparison, local groundshaking during the 1989 Loma Prieta earthquake had a Modified Mercalli intensity of VI to VII. It is estimated that the Hayward Fault could result in an earthquake of IX on the MMI scale, which would be characterized as “violent,” and would be demonstrated by heavy damage throughout Berkeley and the East Bay.

The intensity experienced at a particular location is affected by several factors, including: the magnitude of the quake, the site's distance from the fault (not the epicenter), and the underlying geologic material. Areas nearest the fault, in valleys or on fill and other weak soils may be subject to violent shaking, while areas further removed or located on solid rock on hills may be subject to much less intense shaking.

Potential Seismic Effects. Fault movements have the potential to cause a variety of damage to life and property. There are four major hazards associated with and resulting from earthquakes: surface rupture, ground shaking, ground failure, and water inundation due to earthquake-generated waves or dam and levee failures. *Surface rupture* is the direct result of activity along a fault, including horizontal and vertical displacement of the ground surface. This can result in catastrophic damage to buildings, utilities, roadways, and other improvements. *Ground shaking*, which can occur throughout the region, is responsible for causing damage to the largest number of structures. Ground shaking can, in turn, cause ground failure, including *liquefaction*, *landslides*, *lateral spreading*, and *differential settlement*. Other effects that can occur in some areas due to shaking or damage to water bodies and reservoirs include *sloshing*, *flooding*, and *tidal waves*.

Surface Rupture. In major earthquakes, fault displacement can cause rupture along the surface trace of the fault, leading to severe damage to any structures or other improvements located on the ruptured trace. Surface rupture generally occurs along an active fault trace, but displacement along presumably inactive faults can also occur. While usually limited to a few inches, even displacement of this distance can cause extensive damage to those buildings located on or near the trace. Gradual creep along a fault trace can also damage a building. No known active faults pass near or through the project site, and the site is not located in an Alquist-Priolo Special Study Zone.

Ground Shaking. Shaking, due to the passage of seismic waves through the Earth, causes most of the damage in earthquakes. Major fault zones in the area include the Hayward, San Andreas, and Calaveras. Earthquakes originating along any of these fault zones would be expected to produce moderate to severe ground shaking at the site. This is common to virtually all developments in the San Francisco Bay Area.

Ground Failure. Not all of the effects described below are necessarily due to earthquakes, but may be exacerbated by the strong forces unleashed by a strong seismic event.

Landsliding, including earth flows, debris slides, and slumps, can occur on slopes for a variety of reasons, but can be particularly damaging during an earthquake. Slopes made up of ancient landslides or active landslides that might normally appear stable can be reactivated if they are shaken by an earthquake, especially if they are saturated with ground water. The movement of soil and rock material from steep slopes downhill can also occur without an earthquake due to high levels of water content and improper grading and drainage, plus the loading imposed by new construction. No slopes subject to landslides exist in the project vicinity.

Liquefaction, as opposed to landslides, can occur on relatively level ground during an earthquake, if the following conditions exist: a potentially liquefiable bed or lens of porous well-sorted sand, saturation of the intergranular pore spaces in the bed or lens by water, confinement of pore water by impermeable layers above and below the liquefiable bed, and proximity of the liquefiable bed to the surface (50 feet or less). Liquefaction can cause soil to temporarily lose strength, which will damage structures supported by the soil. Lateral spreads are the most common evidence of liquefaction failure. They form linear fractures typically tens to hundreds of feet long, a few feet deep, and a few inches to a few feet wide at the surface.

Densification and settlement is the downward compaction of soils and fill due to loading from a building, resulting from the compaction or consolidation of unconsolidated material below the structure. This can occur in saturated or unsaturated soils. Differential settlement can occur over long periods of time and is potentially damaging to structures. It is particularly damaging in soils with discontinuities or subject to differential loading, particularly where the soils are sandy and loose to medium dense.

Subsidence of the ground surface or a structure may occur in an area adjacent to or above an ongoing groundwater withdrawal location. As the groundwater is removed, the soil mass responds by reducing the pore space under the same overburden loads. While this is often associated with groundwater extraction for water supply, this type of settlement can also occur in urban areas where dewatering of foundation excavations is needed during construction. The resultant settlement of nearby ground surfaces may be potentially damaging to structures, roads, and utilities.

Other Seismic Effects. A tsunami is a seismically-induced sea wave caused when an earthquake moves vertically under the ocean floor. Seiches are waves created within an enclosed body of water such as lakes and reservoirs. Flooding inundation can also be experienced due to the failure of reservoirs and dams. No such effects are relevant to the courthouse project, since the only inundation hazard is reservoir failure which would affect areas north of the downtown.

Seismic Activity. The San Francisco Bay Area is recognized by geologists and seismologists as one of the most seismically active regions in the United States, and has a particularly dense development pattern that exposes substantial numbers of people and structures to the hazards of earthquakes. The significant number of earthquakes which occur in the Bay Area are generally associated with crustal movement along well-defined, active, fault zones of the San Andreas fault system. This fault system includes about 30 faults in the region, generally trending in a northwesterly direction in a 50 mile wide band.

The estimated distances from the site to important faults and estimated maximum magnitudes of earthquakes associated with those faults are presented in *Table D-3*. Major active and potentially active faults near the project site include the Hayward, San Andreas, Rodgers Creek, Green Valley, Calaveras, Concord, and Greenville faults. The Hayward Fault produced strong earthquakes in 1836 and 1868, estimated at Richter magnitude 6.7 to 7.0, which caused widespread damage in the relatively unpopulated East Bay. The San Andreas Fault generated the 7.1 magnitude 1989 Loma Prieta earthquake and the 8.3 magnitude 1906 San Francisco event.

Historical records of seismicity in California show a periodic recurrence of major earthquakes in the Bay Area. Some geologists believe that the Bay Area is currently returning to a period of increased seismicity, such as that which preceded the great San Francisco Earthquake of 1906.

The Working Group on California Earthquake Probabilities stated in 1990 that the probability of a magnitude 7.0+ earthquake in the San Francisco Bay area over the next 30 years is 67 percent. This estimate is considered to be low because only the three active faults in the area for which the best information is available were included in the study. These faults were the Hayward, San Andreas, and Rodgers Creek Faults.

Significant earthquakes could occur on an active fault for which probabilities have not been estimated, or on a potentially active fault. One expert places the probability of a major earthquake in the Bay Area at 90 percent in the next 30 years. The San Andreas Fault has a 67 percent chance of a Richter magnitude 7.0 or greater earthquake during the next 30 years. There is estimated to have between a 28 and 44 percent probability of a 7.0 or greater Richter magnitude earthquake occurring on the northern segment of the Hayward fault in the next 30 years, which would certainly affect the courthouse project site.

Table D-3
SUMMARY OF ACTIVE FAULT DISTANCES AND MAGNITUDES

Fault	Approximate Distance From Site (miles)	Estimated Maximum Credible Earthquake (Richter magnitude)
Hayward	0.9	7.5
San Andreas	18.0	8.3
Calaveras	15.5	7.3
Concord/Green Valley	13.0	7.0
Rodgers Creek/Healdsburg	21.5	6.8

Source: Lowney Associates, 1994.

Because of the relatively high risk of a major earthquake, new construction generally should be subject to careful evaluation related to materials and structural systems. Good construction practices can also reduce the inherent earthquake hazards. For instance, light steel, wood frame and steel frame buildings generally have more earthquake resistance than masonry and concrete buildings, within the specific structural systems, the selection of particular materials and assembly techniques can further reduce the risk of structural damage or failure.

Site Conditions

The project area is densely developed with buildings from the early 20th century through the present. Many of the older masonry buildings have undergone seismic retrofitting as part of the City's 1991 URM Ordinance. The ordinance requires building owners to seismically retrofit structures built before 1956. Certain buildings are exempt, including vacant buildings, residential hotels, and residential buildings with fewer than five units. Historic buildings also are exempt, but must comply with the State Historic Building Code. The Framat Lodge is the only unreinforced masonry structure on the project site. It has not been retrofitted for seismic safety.

Surface Conditions. The preferred project site and alternative project site are both rectangular in shape, and are generally flat, with a slight downslope from east to west. The sites are at an elevation of about 160 feet above sea level. The area has generally been built up with shallow cuts and fill for streets, parking lots and drainage, and excavations for basements. The soils are described by the Soil Conservation Service as the urban land component of the Tierra Complex soils. The soil types included in the Tierra Complex are loam, clay, and sandy loam. These soils are typically moderately drained and have a very slow permeability. The near-surface soils have a high shrink-swell potential, causing them to expand when wet and shrink upon drying. The gentle slope of the area results in slow runoff, so exposed soils have low erosion potential.

Exploration Program. Subsurface exploration was performed at the alternative project site by Lowney Associates in two phases. The first phase was performed on March 10 and 11, 1994 using truck-mounted cone penetration test (CPT) equipment to obtain near continuous logs of the soil strength and friction. Seven CPT soundings were advanced to depths ranging from 39 to 45 feet below existing grades. The second stage of subsurface exploration was performed on March 20, 1994 using conventional truck-mounted drilling equipment to investigate, sample, and log the subsurface soils from two borings. These two borings were logged and sampled to depths of 26.5 and 41.5 feet below the existing grades, respectively.

No subsurface exploration has been conducted for the preferred project site as of this time. However, the evidence from other studies indicates that conditions are similar throughout the downtown, so the existing information is considered adequate for the purpose of this EIR. Additional testing would be conducted at the site prior to acquisition, final design and development, if the proposed site is ultimately selected for the project.

Subsurface Conditions. In general, the site is blanketed by 7 to 15 feet of stiff to very stiff, low to moderate plasticity silty clay. This clay is underlain by apparently discontinuous deposits of medium dense to dense sands and silty sands which extended to depths ranging from 20 to 30 feet. Below these depths, stiff to very stiff silty clay interbedded with clayey or sandy silt was encountered to the maximum depth explored of 45 feet.

Groundwater Conditions. Free ground water was encountered in borings EB-1 and EB-2 at the time of drilling at depths ranging from 23 to 24 feet. In addition, the ground water depths estimated from the CPT logs ranged from 23 to 28 feet below the ground surface. Fluctuations in the level of the ground water may occur due to variations in rainfall and other factors not in evidence at the time measurements were made. Versar, Inc. has also investigated the site for groundwater contamination. Based on the Phase I study of past site uses, and a Phase II study of actual subsurface conditions at two locations, there is no evidence of groundwater contamination. Additional information is provided in Section III.H of this EIR.

Impacts and Mitigation Measures

Criteria of Significance

Significance criteria are derived from the CEQA Guidelines, including Appendix G and Appendix I, which state that a project would normally be considered to have a significant impact and should be evaluated for affects on or by the following:

- Exposure of people or structures to geologic hazards, such as fault rupture, earthquake shaking, liquefaction, landslides, mudslides, ground failure, expansive soil, or similar hazards;
- Unstable earth conditions, or changes in geologic substructures;
- Disruption, displacement, compaction, or overcovering of soils, particularly agricultural soils;
- Changes in topography or ground surface relief features which may result in hazards from excavation, grading and fill;
- Destruction, covering or modification of any unique geologic or physical features;
- Increase in wind or water erosion of soils, either on- or off-site.

Because of the site conditions and project characteristics, some potential geologic impacts can be eliminated as non-existent or negligible at the project and alternative site. These include changes in topography (the site is essentially flat, and no slope grading is proposed); fault rupture (the nearest known fault trace is almost one mile east of the site); hazards from landslides and mudslides (same reasons); unstable geologic substructures (no mining or other sub-surface changes exist or are proposed); and effects on unique geologic features (none exist).

Potential Impacts and Recommended Mitigation Measures

Soils and Grading. The project site will need to be cleared of existing structures, pavement, and fill. Pavement and base material is typically six inches thick, and fill extends to about 2 or 3 feet across the site. In addition, excavations up to about 10 feet deep will be made on portions of the site for foundations, basements, underground parking, and other purposes. Each of these excavations could experience minor slope failures and erosion during construction. No significant changes in topography are proposed as part of the project. The site will be developed to account for the slight cross slope, but the overall appearance of the site will remain as an urban

block which is essentially flat. Excavation for the basement levels will likely result in the export of materials currently underlying the site to a depth of about ten feet.

Impact D-1: **During construction of the project, the soils at the site would temporarily be exposed to wind and water erosion, including internal gullyng and off-site siltation. (LS)**

If excavation were to occur during the rainy season, sides of the trench or pit could be damaged by erosion, gullyng, and side wall collapse. General practice is to do this type of excavation during the dry summer months to avoid this impact, and to shore any excavation for worker and structural safety. However, such if a collapse were to occur, it could also affect structures on neighboring properties, as well as public sidewalks, roads, and utilities. Therefore, the contractor will be required to provide adequate shoring and remedy any settlement.

Temporary erosion could also result in discharges of sediments into the City storm drains. This impact would be avoided by standard practices related to erosion and storm water quality control. The contractor for the courthouse would be required to implement appropriate measures such as hay bales, silt fences, or other controls at the site perimeter to limit the amount of silt contained in runoff. If silt were to enter the City storm drains, the contractor would be required to remedy the situation for the affected inlets and drains. No significant effect would occur.

No long-term erosion would occur after development of the project. The site is in an urbanized area where most surfaces are paved or built upon, and rain water is conveyed to the municipal storm drain system, so no adjacent soils would be affected by project runoff. A small area of the site may remain unpaved for the purpose of providing a landscaped plaza or planter strips. These areas would be provided with appropriate irrigation and adequate plant cover to minimize erosion of topsoil.

Mitigation Measure D-1: **Site clearing, excavation, and construction of foundations and other underground construction will be performed under the review and supervision of qualified professionals. Measures will be taken to minimize the potential for erosion and cut slope failure, such as: conducting most site disturbance activity during the non-rainy season; covering or wetting bare earth surfaces that will not be built upon or landscaped within a reasonable period of time; controlling runoff from the site through the use of appropriate measures such as hay bales or silt fences; covering truck loads of soil, and sweeping streets in front of the site to clean up any spills; shoring excavations in conformance with OSHA standards.**

The site has been determined not to be susceptible to slope failure, except during excavation for the underground parking garage and building foundations. According to the site geologic study, all temporary slopes and trenches excavated in the natural sandy and clayey soils and less than 5 feet deep below the ground surface may be cut vertical. All other unshored slopes greater than 5 feet deep may be cut to inclinations no steeper than 1:1 (horizontal:vertical). Temporary excavation slopes should not be used adjacent to buildings or pavements where soil movements may cause distress. Because of the variable nature of the existing soil, field modifications of temporary slopes may be required. Unstable materials encountered on the slopes during the excavation should be trimmed off even if this requires cutting the slope back at flatter inclinations.

Support of the walls of excavations may be accomplished using soldier beams and wood lagging, by temporary slopes if space is adequate, or by the use of tiebacks. The contractor would comply with a plan for support prepared by a structural engineer and geotechnical engineer during construction. In addition, the contractor would be responsible to undertake a preconstruction and post construction survey with benchmarks and photographs of the adjacent properties to determine that no settlement occurs.

Earthquake Hazards. As discussed above, the major impact on the project will be the very strong earthquake shaking expected to occur sometime during the life of the project.

Impact D-2: The project would increase the relative number of persons exposed to seismically-induced hazards, particularly hazards posed by damage to the structures and interior facilities during ground shaking. (S)

The project site and vicinity has been described as potentially subject to "very strong" earthquake shaking due to an earthquake of 6.9 on the Richter scale on the Hayward fault. In fact, a much stronger earthquake, measuring as much as 7.5, has a high probability of occurring on the northern segment of the Hayward Fault within the next 30 years. Such an earthquake would result in an experience of groundshaking in the range of VIII or IX on the Modified Mercalli scale. In general, the percent of structures damaged increases substantially with intensities over about MMI VI or VII.

By increasing the activity at the courts, the number of courthouse employees, jurors, visitors, and others present at the site would increase at the local level during the work day. The employment density at the project site would also increase compared to the existing land uses that would be removed from the site. In occupying the new courthouse, the courts would vacate other buildings which could be re-leased to private or public tenants, which would allow for a net increase in the occupancy of the downtown. The courthouse project could thereby result in a net increase in the number of people exposed to the hazards of earthquake shaking.

New buildings such as the courthouse are subject to more stringent building codes that have been developed in response to various earthquake events around the State and internationally. The project will necessarily be designed to meet or exceed the latest engineering standards for earthquake safety. While this does not guarantee complete avoidance of damage or injury, it should minimize the risk to an acceptable degree. In fact, by virtue of its newer construction, the courthouse project will exceed the probable safety of most other buildings in the downtown area and under existing conditions at the project sites. Few downtown buildings were significantly affected by the 1989 Loma Prieta earthquake, but several are subject to requirements to complete retrofit work.

The project includes two structures: the courthouse, and the parking garage. The Courthouse could be about 65 feet tall, and the parking garage could be about 35 to 40 feet tall. Shorter, rigid buildings such as these are more susceptible to damage from intense groundshaking from an earthquake with a local epicenter, such as the northern segment of the Hayward Fault. The parking structure, in particular, could be heavily damaged by the short-period waves from a local earthquake, as well as by large-amplitude earthquake waves from more distant earthquakes such as on the San Andreas Fault.

At the alternative site, the two structures would each be about 45 feet tall. These two structures could also be subject to building chatter (hammering) if they are built with elements that are close to each other, such as pedestrian bridges or sallyport structures. This effect would be due in part to the different massing and structural systems used in the two buildings.

Non-structural hazards due to earthquakes include toppling of bookcases, collapse of ceilings and light fixtures, and loss of power and water supply. The area around the courthouse buildings could be subject to falling objects, as well. For example, glass and cladding materials could break and come loose from the facade, potentially injuring pedestrians and motorists in the immediate vicinity, during a major seismic event.

Mitigation Measure D-2a: A structural engineer will be retained to participate in the project design and evaluate the final foundation and structural systems to ensure that the courthouse and parking structure are designed at a minimum to comply with the most current edition of

the Uniform Building Code in effect at the time of design and construction, as well as appropriate professionally recognized standards of practice.

Mitigation Measure D-2b: To minimize hazards to building occupants from non-structural damage, heavy objects should be attached to secure walls and floors, and employees should be advised to place light, loose objects in a manner that would minimize their potential to move or overturn.

Mitigation Measure D-2c: The Courthouse will have adequate emergency egress lighting, signs, and operable doors/windows in the event of an emergency (earthquake, fire, etc.) and/or loss of power; emergency response equipment should be maintained on-site to address the most pressing hazards and injuries likely to occur with a major earthquake; and, an emergency preparedness and response plan should be implemented as part of the normal operations of the court facility.

Differential Compaction/Settlement. Because the subsurface soils at the site are generally stiff and medium dense and do not appear to change in thickness or consistency abruptly over short distances, differential settlement under static building loads is likely to be within tolerable limits for the proposed structures. It is estimated that total 30-year movement would be less than 3/4-inch, and post-construction differential movement between adjacent columns would be less than 1/2-inch. However, the following impact could occur unless appropriate measures are taken in the process of project design and construction.

Impact D-3: There is the potential for differential settlement of the project buildings as a result of soil compaction and seismic shaking, which could damage the buildings and contents. (LS)

The near-surface soils at the site vary in composition both vertically and laterally. Major earthquake shaking could cause non-uniform compaction of the soil strata, resulting in movement of the near-surface soils, particularly if the soils are saturated at the time of an earthquake. While not strictly a liquefaction hazard, the effect could be similar due to the presence of a silty sand lens at a depth of between 10 and 20 feet across portions of the site. This lens is a likely saturated at least in the lower portion at certain times of the year in particularly rainy seasons.

Mitigation Measure D-3: Final structural loads and building design, and in-field soil and groundwater conditions will be reviewed by qualified professionals to verify that the assumptions used in the preliminary differential settlement analysis are accurate; any necessary modifications will be made by the architect/engineer and contractor under the direction of the County.

Chapter III.E - Transportation

Existing Setting

Introduction

Alameda County is proposing to develop a new Berkeley Courthouse to replace the existing facility, to consolidate functions currently located in leased space, and to provide for four additional courtrooms and related services for Superior Court functions. Two sites are being considered, as shown in *Figures E-1 and E-2*. The preferred site is located across Martin Luther King Jr. Way from the existing courthouse (bounded by Martin Luther King Jr. Way, Center Street and Addison Street); an alternative site is located several blocks away on a site adjacent to the Berkeley Public Library (bounded by Milvia Street, Kittredge Street, and Bancroft Way). Existing conditions, potential project impacts, and recommended mitigation measures are discussed for both sites in this section, in order to facilitate comparison. Alternatives are discussed further in Chapter V of this EIR.

This Setting section describes the current transportation conditions in the vicinity of the Courthouse project, including the roadway system, traffic conditions, parking conditions, transit availability, and pedestrian and bicycle use. This section also describes the current trip generation and parking demand for the courthouse, which was determined through detailed surveys of employees and visitors to the courthouse. Future trip generation, parking demand, and impacts on local intersections, parking, transit service, pedestrians, and bicycle use are discussed in the following section, Impacts and Mitigation Measures.

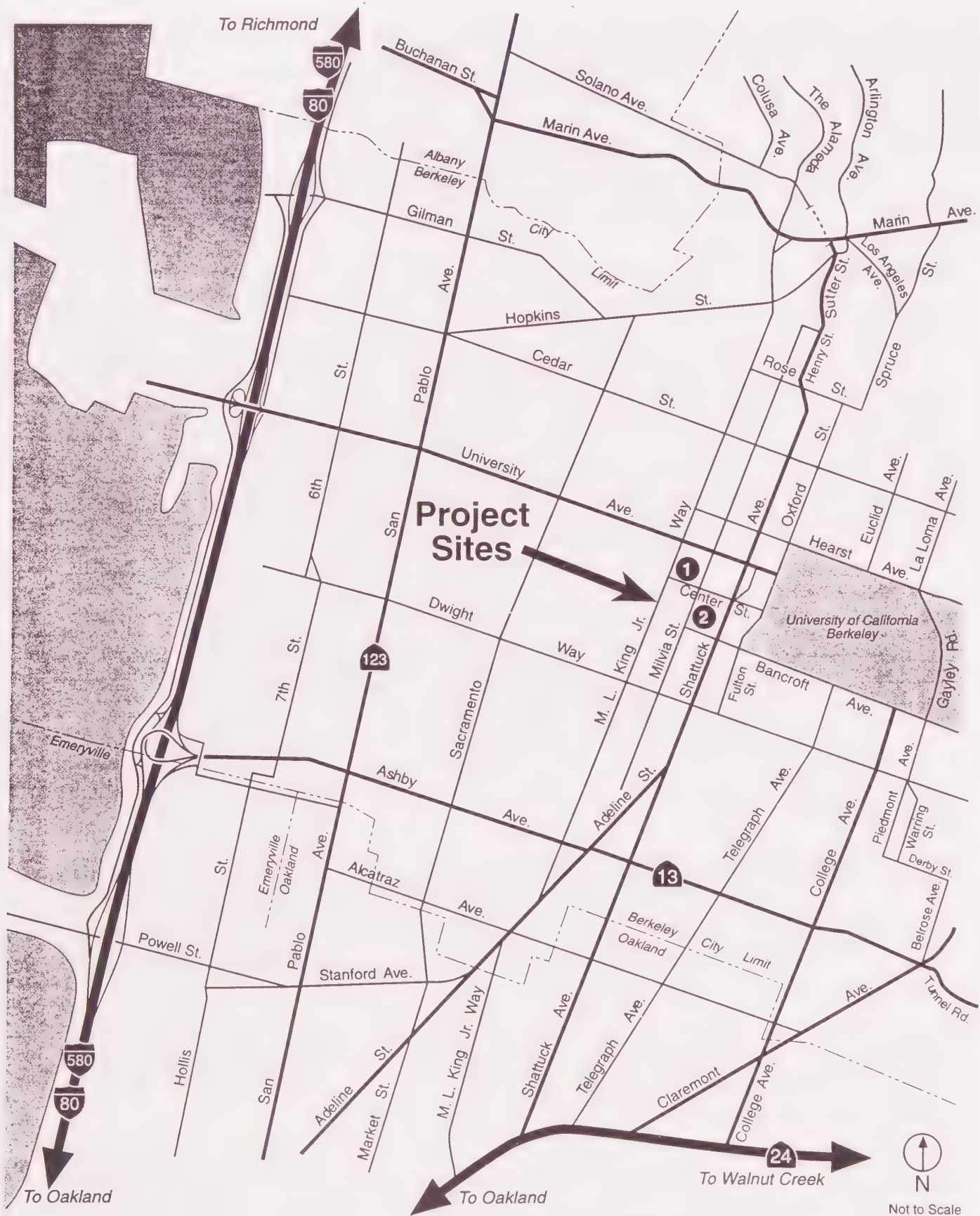
Local Roadway Network

Freeways and Major Streets

Interstate 80. Interstate 80 connects the San Francisco Bay Area with the Sacramento region and continues east across the United States. Within Berkeley, Interstate 80 is oriented in the north-south direction. Interstate 80 and the nearby I-80/I-580 interchange operate at capacity during the peak commute hours. Since the 1989 Loma Prieta Earthquake, traffic capacity has been reduced at this interchange due to the collapse of the Cypress structure, causing an increase in traffic congestion on I-80. A new freeway alignment in west Oakland, HOV lanes, and flyover ramps are currently under construction to improve this condition.

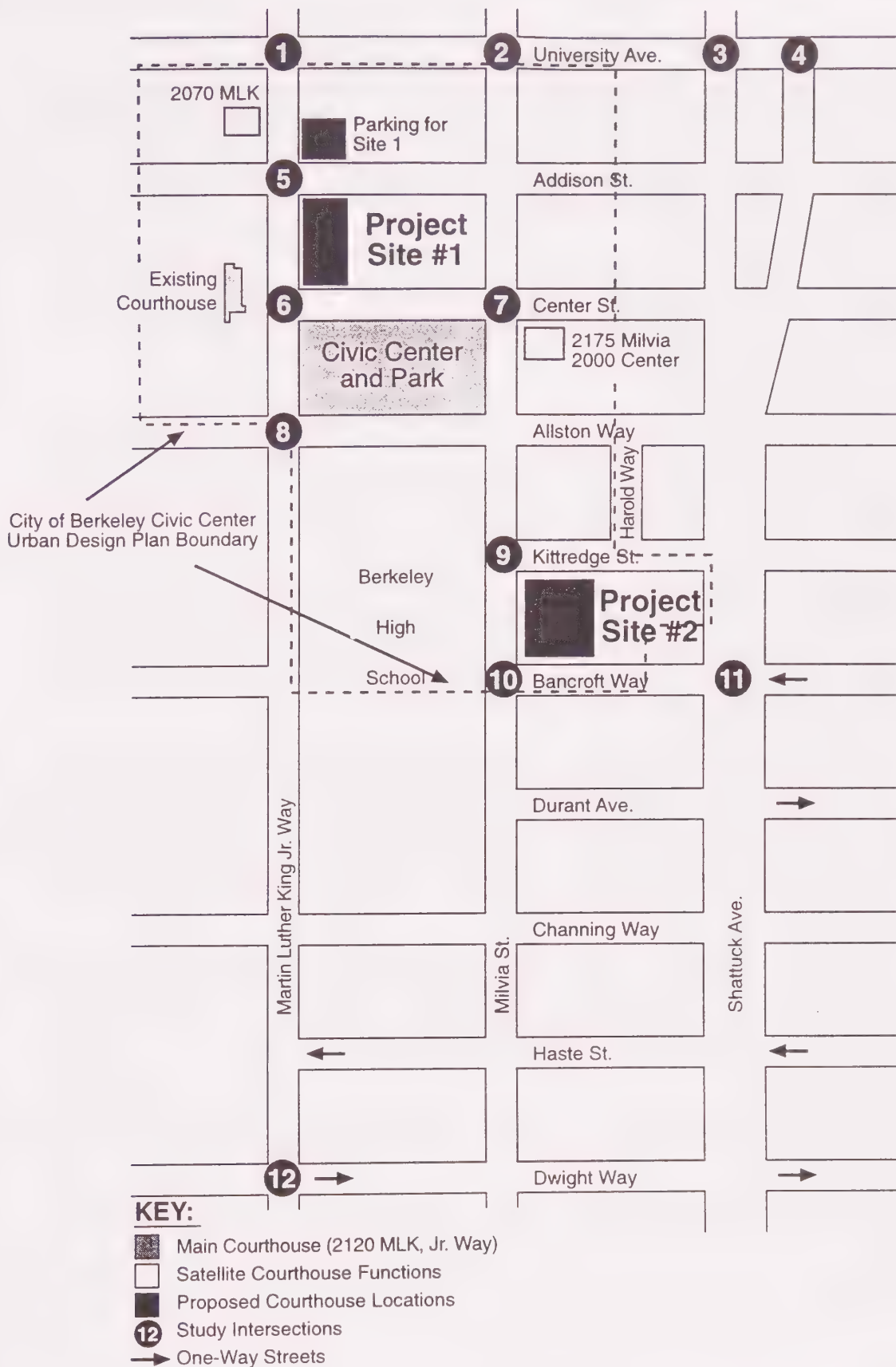
University Avenue. University Avenue is a four lane east-west arterial connecting the downtown / civic center area to I-80 and the Berkeley waterfront. The roadway is divided with a wide landscaped median, and has left turn pockets at major intersections. Motorists turning left from University Avenue onto a north-south street generally are not provided with a separate left turn signal phase.

Martin Luther King Jr. Way. Martin Luther King Jr. Way (MLK) is a major north-south roadway which runs from Adeline Street in south Berkeley to Hopkins Street and The Alameda in north Berkeley. MLK Way provides four travel lanes south of Berkeley Way. Left-turn pockets are provided at some signalized intersection in the project vicinity. This roadway provides primary access to the existing courts, and forms the western border of the preferred Project site.



PROJECT LOCATION

FIGURE: E-1



PROJECT SITE AND STUDY INTERSECTIONS

FIGURE: E-2

Shattuck Avenue. Shattuck Avenue is a major north-south roadway that runs between Oakland to the south and Rose Street to the north, where it becomes a two-lane residential street. Shattuck Avenue has four travel lanes along most of its length in Berkeley, with a two lane section between Alcatraz and Adeline that continues into Oakland to its termination at Telegraph Avenue. Shattuck Avenue's proximity to State Route 24 on- and off-ramps in Oakland make it a major southern gateway for downtown Berkeley.

Dwight Way. Dwight Way is a major street serving east-west travel between the Sixth / Seventh Street corridor in west Berkeley and the South Side area near the University of California campus. Dwight Way is one-way eastbound, with two travel lanes, east of Martin Luther King Jr. Way. Haste Street forms a westbound one-way couplet with Dwight Way from Piedmont Avenue to MLK Way.

Local Streets in Project Vicinity

Center Street. Center Street is a short two-lane, east-west roadway that connects the Civic Center, Downtown, and the University of California campus. Its western terminus is at MLK Way, and its eastern terminus is at Fulton / Oxford Street; it passes by the Berkeley BART station at Shattuck Avenue. The preferred site of the Berkeley Courthouse project is located at the corner of Center Street and MLK Way.

Milvia Street. Milvia Street is a two-lane, north-south roadway located parallel to and between Shattuck Avenue and MLK Way. Milvia Street serves local downtown circulation, including trips to the City's Civic Center building and some Berkeley Municipal Court facilities which are currently located along this street. Milvia Street is designated by the City as a "bike boulevard," which gives preference to minimizing motor vehicle travel and conflicts such as driveways and parking. This street forms the western boundary of the alternative Project site.

Addison Street. Addison Street is a two-lane, east-west roadway located parallel to and between Center Street and University Avenue. STOP signs are located at intersections with MLK Way and Milvia Street. Traffic movements from Addison Street onto MLK Way are limited to right turn only, due to the high traffic volumes on that four-lane arterial, lack of signal control at the intersection, and a desire to minimize through traffic in the neighborhood west of MLK Way. Addison Street would provide primary vehicular access to the proposed project, including the sallyport, underground secure parking and new parking garage located on Addison Street.

Allston Way. Allston Way is a two-lane, east-west roadway which forms the southern border of the Civic Center Park and serves to connect the residential area west of MLK Way to the downtown. The Berkeley Unified School District offices, Berkeley High School, and the Community Theater have entrances on Allston Way west of Milvia Street. Parking garages, the Post Office, and YMCA have entrances on Allston Way east of Milvia Street.

Kittredge Street. Kittredge Street is a short two-lane, east-west roadway on the northern boundary of the alternative Project site. It runs from Milvia Street to the west to Oxford Street to the east. The Berkeley Public Library also has its main entrance on Kittredge Street, adjacent to the alternative Project site.

Bancroft Way. Bancroft Way is a two-lane, east-west roadway that forms the southern boundary of the alternative Project site. It is closed to traffic within the Berkeley High School campus west of Milvia Street. Bancroft Way is one-way westbound along the south side of the U.C. campus, with right-turn only control for eastbound traffic at Shattuck Avenue. The alternative site's parking garage would have access on Bancroft Way.

Existing Traffic Conditions

PM peak hour traffic conditions were analyzed at twelve intersections in the vicinity of the two Project sites. The intersections were chosen to assess Project impacts immediately adjacent to both Project sites, as well as at key "gateways" to the downtown and civic center area. Several of these same intersections are included in the City

of Berkeley's analysis of impacts for the draft Civic Center Urban Design Plan, which includes the Project. The study intersections for this project, and the current method of traffic control are:

<u>Intersection</u>	<u>Control Type</u>
1. University Avenue / MLK Way	Signal
2. University Avenue / Milvia Street	Signal
3. University Avenue / Shattuck Avenue	Signal
4. University Avenue / Shattuck Square	Signal
5. Addison Street / MLK Way	Two-way stop, right turn only
6. Center Street / MLK Way	One-way stop
7. Center Street / Milvia Street	Signal
8. Allston Way / MLK Way	Signal
9. Kittredge Street / Milvia Street	One-way stop
10. Bancroft Way / Milvia Street	One-way stop
11. Bancroft Way / Shattuck Avenue	Signal
12. Dwight Way / MLK Way	Signal

The PM peak hour, rather than AM peak hour, was used as the basis for this traffic impact analysis because it represents a worst-case analysis. This is based on a review of historical traffic volumes in downtown Berkeley, which indicates that traffic volumes are typically ten to twenty percent higher in the PM peak hour than in the AM peak hour. The City of Berkeley also uses this analysis methodology. The prevailing peak hour is 5-6 PM.

Intersection Analysis Methodology

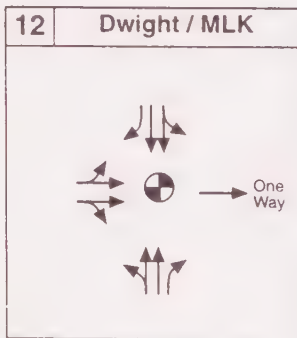
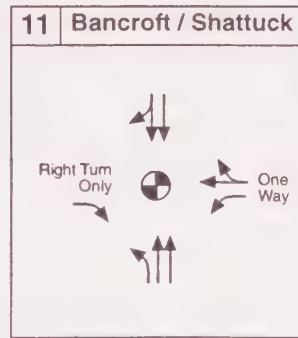
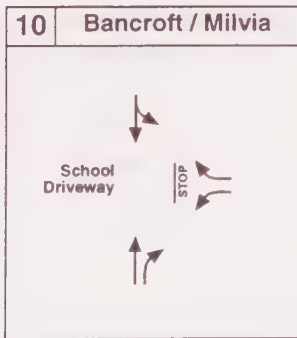
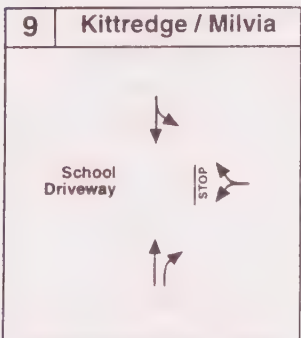
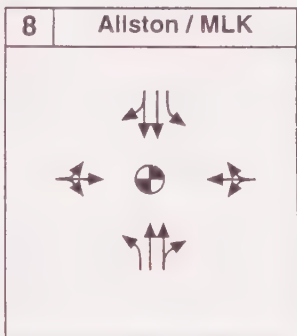
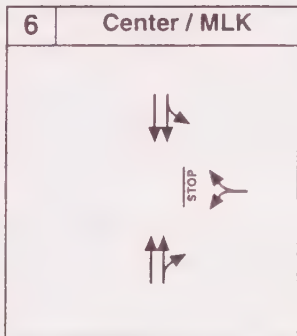
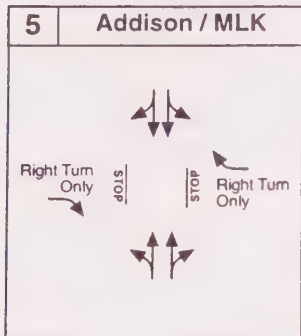
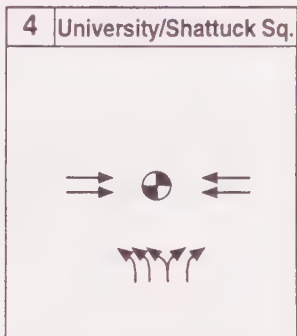
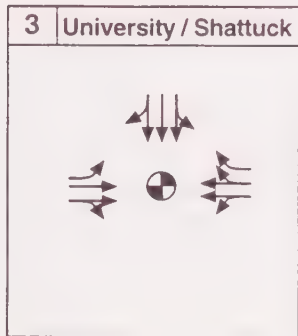
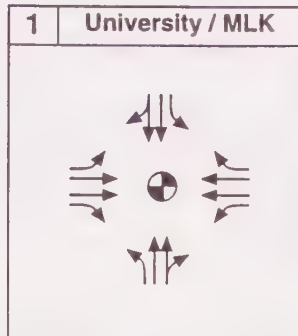
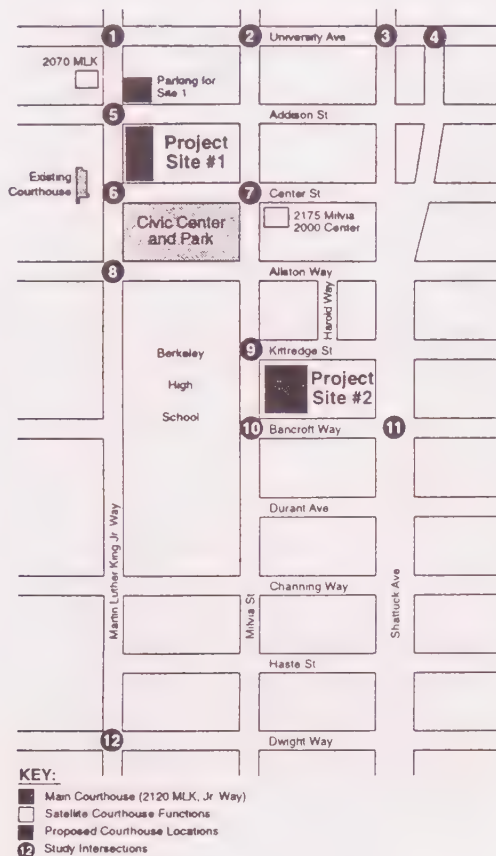
For signalized intersections, traffic conditions were evaluated using the operations techniques of the 1994 *Highway Capacity Manual*. The operational analysis uses intersection characteristics (such as traffic volumes, lane geometry, signal timing, and pedestrian activity) to estimate the average delay experienced by motorists traveling through an intersection. This average delay value is converted to a level of service grade ranging from LOS A (free flow conditions) to LOS F (oversaturated, "stop and go" operations). In the analysis of signalized intersections, an ideal saturation flow rate of 1900 vehicles per hour was used in accordance with current practice.

For unsignalized intersections, the 1994 *Highway Capacity Manual* average total delay method was used. With this methodology, the LOS is related to the total delay for each "minor" movement, averaged over all minor movements at the intersection. Minor movements are all those which are not free-flow at the intersection, i.e. all minor street movements (left, through and right) and left turns from the major street to the minor street.

The delay criteria for different service levels at signalized and unsignalized intersections is included in the technical report, available at the County Planning Department. For signalized intersections, delays range from zero to 60 seconds, with delays over 60 seconds indicating LOS F conditions; for unsignalized intersections, delays over 45 seconds are considered LOS F. The higher LOS F threshold for signalized intersections recognizes that drivers typically expect to wait longer at signals than at stop signs.

Intersection Volumes and Peak Hour Service Levels

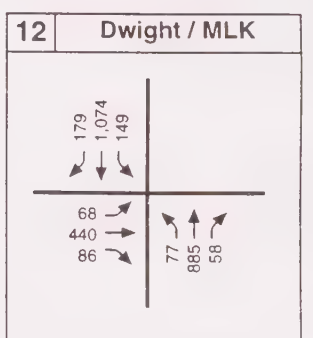
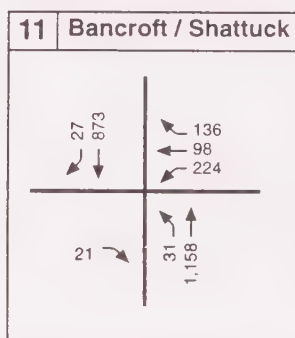
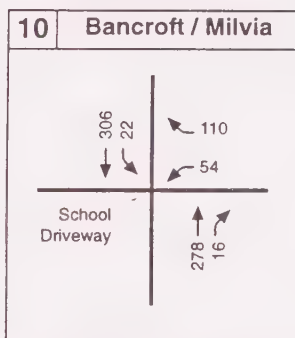
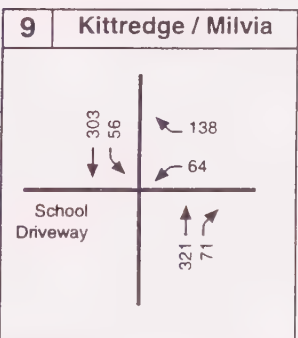
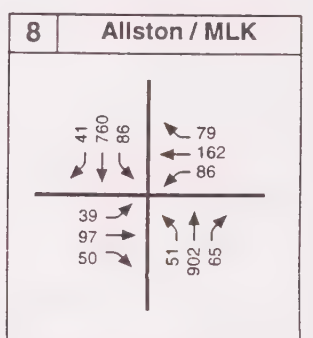
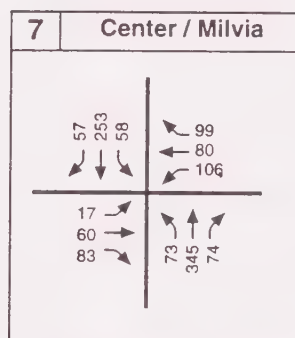
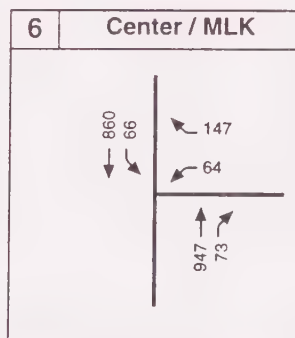
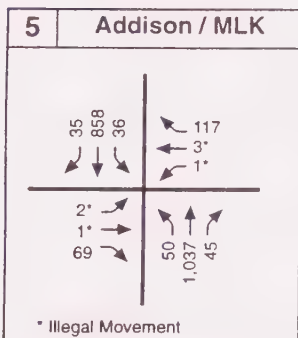
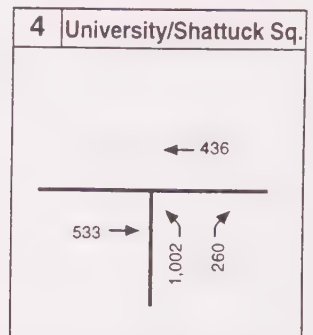
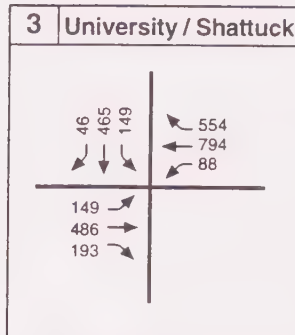
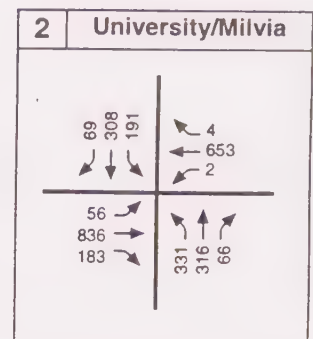
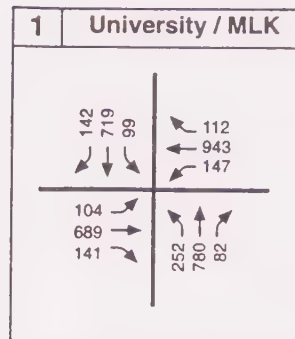
Figure E-3 illustrates the lane configuration and control type for the study intersections, and Figure E-4 documents the PM peak hour traffic volumes. Most of the intersection traffic volumes were counted within the last three years for various EIRs, and seven of the twelve counts were conducted in 1995 either for this EIR, the City of Berkeley Public Safety Building EIR, or the UC Berkeley Haas Pavilion EIR. The sources for all of the counts are listed on Figure E-4.



SOURCE: Fehr & Peers Associates, Inc.

INTERSECTION LANE CONFIGURATION

FIGURE: E-3



Sources:
 Intersection 6: Counts conducted in 1990, increased based on recent counts at intersections 5, 7, and 8.
 Intersection 2: Estimated from historical counts for the Berkeley Citywide Traffic Model Study
 Intersection 7: Count conducted in April 1992 for the YMCA EIR.
 Intersections 1, 12: Counts conducted in October 1993 for the Berkeley Citywide Traffic Model Study
 Intersections 9, 10, 11: Counts conducted in May 1995 for Alameda County Courthouse EIR Transportation Impact Study
 Intersections 5, 8: Counts conducted in July 1995 for the Public Safety Building EIR
 Intersections 3, 4: Counts conducted in December 1995 for the Haas Pavilion EIR

SOURCE: Fehr & Peers Associates, Inc.

EXISTING TRAFFIC VOLUMES PM PEAK HOUR

FIGURE: E-4

Table E-1 lists the existing PM peak hour service levels for the study intersections. Three of the intersections currently exceed the acceptable Level of Service standard of "D": University Avenue / Shattuck Avenue, University Avenue / Milvia Street, and Center Street / MLK Way. The two University Avenue intersections are signalized, and currently operate at an overall LOS F. Left turn pockets are not provided at these intersections. Center Street / MLK Way is stop controlled for Center Street traffic; the highest-delay movement (westbound left turn from Center to MLK southbound) operates at LOS F. The City is considering the installation of a traffic signal at this location to address pedestrian and traffic needs for better crossing and turning controls.

Table E-1
INTERSECTION LEVEL OF SERVICE SUMMARY
EXISTING CONDITIONS

Intersection	Control Type	Worst Movement ¹	Existing Conditions	
			Delay (sec/veh)	LOS
1 University Avenue / MLK Way	Signal	n/a	18	C
2 University Avenue / Milvia Street	Signal	n/a	* ²	F
3 University Avenue / Shattuck Avenue	Signal	n/a	*	F
4 University Avenue / Shattuck Square	Signal	n/a	18	C
5 Addison Street / MLK Way	Two-Way STOP	EB LT/TH/RT ³	12	C
6 Center Street / MLK Way	One-Way STOP	WB LT	*	F
7 Center Street / Milvia Street	Signal	n/a	20	C
8 Allston Way / MLK Way	Signal	n/a	11	B
9 Kittredge Street / Milvia Street	One-Way STOP	WB LT/RT	9	B
10 Bancroft Way / Milvia Street	One-Way STOP	WB LT	10	B
11 Bancroft Way / Shattuck Avenue	Signal	n/a	12	B
12 Dwight Way / MLK Way	Signal	n/a	31	D

Source: Fehr & Peers Associates, 1996.

EB = eastbound, WB = westbound, NB = northbound, SB = southbound.

LT = left turn, RT = right turn, TH = through.

¹ Level of Service designation for unsignalized intersections reflects the highest-delay ("worst") movement. For signalized intersections, the LOS corresponds to the average delay for all movements.

² * = Delay exceeds capacity, i.e. 60 seconds for signalized intersections, or 45 seconds for unsignalized intersections.

³ LT (left-turn) and TH (through) movements are legally restricted at this intersection, but some motorists continue to make these movements. The delay for the intersection is acceptable with or without the inclusion of these motorists.

Parking Conditions

Public Parking in the Downtown

1992 Parking Condition Update Study. Public parking in the downtown area is provided in several large garages, smaller lots, and on the street. A Parking Condition Update prepared for the City lists 1,750 garage / lot spaces available to the public during the work week, and 794 on-street spaces, 96% of which were metered.¹ Of the 1,750 lot/garage spaces, 57% (1,002) were reserved for monthly parking permit holders, and thus unavailable to short-term parkers. About 270 spaces were reserved for short-term parkers in these lots/garages, with the remainder (480) available for short-term, longer term and all-day parking. The 794 on-street spaces ranged from half-hour to two-hour metered time limits, with the majority (68%) having a one-hour time limit.

There are several large garages in the downtown area located within easy walking distance of both Project sites: the Great Western garage (608 spaces) and Center Street garage (435 spaces) are both located east of Milvia Street between Addison Street and Allston Way. The third large garage (350 spaces), formerly known as the Hink's Garage, is located at the alternative Project site, and would be demolished if the Project is built there. Several surface parking lots are also located within the downtown area, including a lot on Milvia Street between Addison Street and Center Street, the 60-space lot on Bancroft Way between Milvia Street and Shattuck Avenue that would be part of the alternative project site, and the City's Oxford Street lot east of Shattuck Avenue.

The City's 1992 study indicated that the mid-day occupancy for all public parking in the downtown approached effective capacity, with 85% of all spaces occupied. (Generally, 90% occupancy is considered effectively at capacity, due to the difficulty finding a space and the need for re-circulation in search of a space that occurs above the 90% occupancy level.) At mid-morning, the occupancy rate was 77% overall. These occupancy rates were virtually the same for off-street and on-street parking. Thus, at mid-morning, some capacity was available both on-street and in off-street garages and lots. The on-street remaining capacity was approximately 190 spaces, and the off-street remaining capacity was approximately 400 spaces. By mid-day, these remaining capacities had been reduced to 127 spaces on-street and 245 spaces off-street.

On-Street Parking Occupancies in Immediate Project Vicinity. Occupancy counts were taken for this study for on-street parking immediately adjacent to the two Project sites. In addition, the occupancy of the Hink's Garage (on the alternative site) was counted. The counts were conducted on Thursday, August 15, 1996 for the area around the preferred Site (Site 1) and on Tuesday, May 9, 1995 for the alternative site (Site 2). *Tables E-2 and E-3* show the results for Site 1 and Site 2, respectively.

For Site 1, at Center Street / MLK Way, the three streets bounding the Project site (Center between Milvia and MLK, MLK between Center and Addison, and Addison between Milvia and MLK) contain a total of 108 parking spaces. The spaces include 21 at half-hour meters, 71 at one-hour meters, 10 at two-hour meters, four (4) spaces for the disabled, and three (3) loading zone spaces. The parking occupancy was counted at 9:00 AM, 12:30 PM and 3:00 PM. The overall occupancy for these three streets ranged from 41% (9:00 AM) to 78% (12:30 PM) to 58% (3:00 PM). Each of the individual streets had unoccupied spaces during each count period, except for Addison which was 100% occupied at 12:30 PM. The 12:30 PM count showed the highest occupancy for each street (58% for Center, 77% for MLK, and 100% for Addison). See *Table E-2* for a summary of the Site 1 on-street parking occupancy counts.

¹ The garage/lot information was obtained from a 1986 inventory and updated in 1992; the on-street data was not updated, and represents 1986 conditions. It is assumed that conditions are essentially similar, based on discussions with City staff. Local conditions near the courthouse project were updated by Fehr & Peers Associates in 1995 and 1996.

**Table E-2
ON-STREET PARKING OCCUPANCY
NEAR THE PROPOSED PROJECT SITE**

Location	Number of Spaces	Number of Spaces Occupied			Percent of Spaces Occupied			Average Occupancy
		9 AM	12:30	3 PM	9 AM	12:30	3 PM	
Center St., betw. Milvia & MLK	59 ¹	29	34	30	49%	58%	51%	53%
Addison St., betw. Milvia & MLK	36 ²	13	36	26	36%	100%	72%	69%
MLK Way, betw. Addison & Center	13 ³	3	10	7	23%	77%	54%	51%
TOTAL	108	45	80	63	41%	78%	58%	59%

Source: Fehr & Peers Associates, 1996.

¹ 59 spaces = 14 @ half-hour meters, 39 @ one-hour meters, 1 @ two-hour meter, 3 for disabled, 3 loading.

² 36 spaces = 3 @ half-hour meters, 23 @ one-hour meters, 9 @ two-hour meters, 1 for disabled.

³ 13 spaces = 4 @ half-hour meters, 9 @ one-hour meters.

For Site 2, at Milvia Street between Kittredge Street and Bancroft Way, the three streets bounding the alternative Project site contain a total of 71 spaces, including two (2) at half-hour meters, 67 at one-hour meters, and two (2) spaces for the disabled. The occupancy ranged from 66% to 70% for the three count periods. All three streets had unoccupied spaces during each count period. The overall occupancy was fairly constant over the three count periods, with an overall average occupancy of 68%. This on-street occupancy data indicates that there is currently some available capacity for short-term parkers immediately adjacent to both Project sites. It should be noted that the data for Site 1, which is located across the street from the current courthouse, reflects whatever current demand for short-term parking exists with current courthouse operation.

Existing Garage Parking Occupancy on Site 2. Table E-3 shows that Hink's Garage, located on Site 2, was at maximum capacity, with valet or "stacked" parking, on the day of the occupancy count. Construction activity at this site removed some spaces from availability, but management of the lot reports that "valet" parking is used on a regular basis to increase capacity and meet demand. The adjacent surface parking lot, Douglas Parking, was at or near effective capacity for the three count periods, averaging 86% occupied. Together, the total parking supply provided at Hink's Garage and the Douglas lot is 411 spaces, which would all be removed to construct the Courthouse Project on Site 2. In addition, parking for about 40 U.S. Postal Service vehicles is provided on a leased lot, which would be acquired for the new courthouse at Site 2. This impact is discussed further below.

Parking Provided for Existing Courthouse Employees and Visitors

At the existing courthouse, eight (8) off-street parking spaces are reserved for Judges and the Court Administrator, with ten permits shared among the staff. All other employees and visitors (except jurors) must park at their own expense in lots or garages, or on the street. Jurors are currently issued a dashboard placard allowing them to park free of charge in on-street metered spaces for that day. However, this practice may change in the future. Further information on the parking demand for the existing courthouse is provided below under Existing Courthouse Operations.

Table E-3
EXISTING PARKING OCCUPANCY
ON OR NEAR THE ALTERNATIVE PROJECT SITE

Location	Number of Spaces	Number of Spaces Occupied			Percent of Spaces Occupied			Average Occupancy
		9 AM	12:30	3 PM	9 AM	12:30	3 PM	
Off-Street Parking Located on the Alternative Project Site								
Hink's Garage Striped spaces	350 ¹	288	298	309	--	--	--	--
Valet parking	n/a	21	27	11	--	--	--	--
<i>Sub-Total for Hink's Parking</i>	<i>350</i>	<i>309</i>	<i>325</i>	<i>320</i>	<i>103% ²</i>	<i>109% ²</i>	<i>98% ²</i>	<i>103%</i>
Douglas Lot	61	55	54	48	90%	89%	79%	86%
Post Office Lot	40	--	--	--	--	--	--	100% ⁶
On-Street Parking Located Adjacent to the Alternative Project Site								
Bancroft Way betw. Shattuck & Milvia	35 ³	21	21	17	60%	60%	48%	56%
Kittredge St. betw. Shattuck & Milvia	31 ⁴	23	24	30	77%	77%	97%	83%
Milvia St. betw. Bancroft & Kittredge	5 ⁵	3	4	3	80%	80%	60%	67%
<i>Sub-Total for All On-Street</i>	<i>71</i>	<i>47</i>	<i>49</i>	<i>50</i>	<i>69%</i>	<i>69%</i>	<i>70%</i>	<i>68%</i>
TOTAL	522	411	428	418	95%	100%	91%	95%

Source: Fehr & Peers Associates, 1996.

- 1 The following number of spaces were roped off for construction equipment storage at each of the survey times: 51 spaces at 9 AM, 52 spaces at 12:30, and 22 spaces at 3 PM. The percent occupancy calculation assumes these spaces are unavailable.
- 2 Calculation excludes garage spaces roped off for temporary construction equipment storage.
- 3 All 35 spaces @ one-hour meters.
- 4 31 spaces = 2 @ half-hour meters, 27 @ one-hour meters, 2 for disabled.
- 5 All 5 spaces @ one-hour meters.
- 6 All 40 spaces reserved for Postal Service vehicles, assumed to be needed at all times of day.

Public Transit

Downtown Berkeley is well-served by transit, with the Berkeley BART station on Shattuck Avenue at Center Street, and numerous AC Transit bus routes running on Shattuck Avenue, MLK Way, and other downtown streets. A major transfer point is located approximately two blocks from either Project site, at Center Street and Shattuck Avenue. Services include BART, AC Transit, UC Berkeley shuttles, and taxis.

BART connects Berkeley with Richmond to the north, Fremont to the south, Concord to the east and San Francisco / Colma to the west. A new extension to Castro Valley and Pleasanton is scheduled to open in 1997, which will increase service to an even greater portion of Alameda County. AC Transit runs several bus lines through the downtown area. The most direct service to the Project site is provided by Bus No. 15, which connects El Cerrito and Montclair in Oakland, and runs along Center Street and MLK Way near the preferred Project site. Buses running on Shattuck include No.'s 7, 8, 9, 40, 43, 51, 64, 65, and 67, which serve the greater Berkeley/Oakland area. Load factors for BART and local AC Transit routes indicate heavy use within Berkeley.

Pedestrian and Bicycle Circulation

Pedestrian and bicycle activity is high in the downtown area, due to several factors. The high use of transit, both BART and buses, results in pedestrian trips between transit stops and ultimate destinations, including the UC Berkeley campus. Also, for those who drive to and from the downtown, parking is often located some distance from the ultimate destination, whether in a garage, on the street, or in local neighborhoods adjacent to the congested downtown, which results in walking trips to a destination. In addition, due to the density and proximity of compatible uses in the downtown, many mid-day trips (for lunch, errands, business meetings, etc.) can be made by walking. And, finally, Berkeley has a relatively high level of bicycle travel, due to City policies and physical improvements which encourage bicycling, and also due to the location of the University campus just east of downtown and Berkeley High School just west of downtown.

Near the preferred Project site, located east of MLK Way between Center Street and Addison Street, pedestrian traffic consists of trips related to the parking spaces along Center, Addison and MLK; trips between the large garages east of Milvia and downtown destinations on Center, Addison and MLK (including the existing courthouse, Hall of Justice, and Civic Center Building); and trips to and from the Civic Center Park and Berkeley High School. A pedestrian and bicycle count conducted in 1990 by the City of Berkeley showed a total of 136 peak hour pedestrian crossings at the intersection of MLK / Center, which is STOP sign controlled on Center Street. Seventy-one percent of these were crossings of MLK, a heavily used four-lane traffic arterial. The count showed 35 peak hour bicycle movements, most of them traveling north or south on MLK through the intersection. The high use of this intersection by pedestrians and bicyclists, coupled with the growing traffic volume on Center Street², has raised the issue of the need for a traffic signal at this location. The City is considering installing a signal as part of the Civic Center Urban Design Plan, as well as modifying the sidewalks and on-street parking on Center Street to improve the pedestrian environment.

Near the alternative Project site, located east of Milvia between Bancroft and Kittredge, pedestrian traffic is related to several large adjacent destinations, including the Berkeley High School campus, the Public Library, AI's Parking Garage, and the University campus which borders Bancroft a few blocks to the east. The traffic study for the Courthouse project includes pedestrian counts and traffic counts at Bancroft / Milvia and Kittredge /

² A comparison of 1990 and 1992 traffic counts at MLK / Center and Milvia / Center, respectively, shows a 40% growth in the total Center Street peak hour volume, and a 60% growth in the Center Street westbound volume. While this may be explained by a variety of causes or variables, there appears to be an overall trend toward increasing use of Center Street by motor vehicles.

Milvia. The counts showed substantial pedestrian activity at both intersections. At Bancroft / Milvia, there were 22 Bancroft crossings during the PM peak traffic hour (5:00 - 6:00 PM). Bancroft terminates at Milvia, and no pedestrians were observed crossing between Bancroft and the Berkeley High School campus at this location during the PM peak hour. At Kittredge / Milvia, there were 57 Kittredge crossings during the PM peak traffic hour (5:00 - 6:00 PM). As at Bancroft, no Milvia crossings occurred at this location. During the school day, it is expected that more pedestrians cross Milvia between downtown and the high school, particularly at the lunch hour and after school is dismissed.

Because Milvia Street is part of the City's bicycle network, it has relatively high bicycle traffic compared to other downtown streets. While bicycle travel was not quantified during the traffic and pedestrian counts, considerable bicycle traffic was noted throughout the entire count period.

Existing Courthouse Operations

Existing Trip Generation

In order to determine the existing traffic generation associated with the Berkeley-Albany Courthouse, surveys were conducted of travel and commute characteristics of the courthouse employees and visitors, as well as courthouse visitor door counts. The surveys asked questions about the mode of travel to the courthouse, typical automobile occupancy for those who drove, duration of stay, and the courthouse division associated with the visit or employee (i.e., Traffic Court, Public Defender, District Attorney, Accounting, etc.).

Visitor Survey. *Table E-4* presents the results of a visitor survey conducted on May 3, 1995, from 8:30 AM to 4:30 PM (the hours the courthouse is open). A total of 512 visitors were counted throughout the survey day, of which 228 visitors (45% response rate) were surveyed at the various courthouse locations. Of those who drove, the net auto occupancy was 1.23 persons per vehicle, which is typical of the average Bay Area vehicle ridership for commute trips (1.1 to 1.3). Of those drivers who carpooled (20% of all drivers), the net auto occupancy was 2.16 persons per vehicle.

Employee Survey. At the time of the employee survey (June 1996), the courthouse employed a total of 69 employees. Forty-three employees (62% of the total) responded to the internally routed survey prepared by Fehr & Peers Associates. A great majority (88%) of the employee survey respondents drive to work, 10% use BART, 2% use the bus, and no employee indicated bicycling or walking as a primary mode of travel. Of those employees who drive, 13% carpool to work. The net auto occupancy for all employees who drive is 1.16 persons per vehicle; for drivers who carpool, the auto occupancy averages 2.20 persons per vehicle.

Trip Generation Calculation. Trip generation was calculated for daily, courthouse AM peak hour (8:00 to 9:00), courthouse mid-day peak hour (12:00 to 1:00 PM), courthouse PM peak hour (4:30 to 5:30 PM), and street PM peak hour (5:00 to 6:00 PM) conditions using the survey results as well as several assumptions about the travel and commute characteristics of those visitors and employees who did not respond to the surveys. The key assumption about non-responders is that their travel patterns are the same as those of survey responders.

Although the surveyed mode split and net auto occupancy data is assumed to apply to responders and non-responders alike, an additional 10 percent margin of error was applied to the auto use calculation to allow for a potentially higher percentage of auto use in the downtown area, since a large percentage of visitors (14%) indicated walking to the courthouse, but may have driven to another local destination prior to traveling to the courthouse. Detailed trip generation calculations were made based on the above assumptions. *Table E-5* summarizes the trip generation results for each courthouse user group.

Table E-4
VISITOR AND EMPLOYEE SURVEY RESULTS

Trip Purpose and Travel Mode	Visitors	Employees
Trip Purpose		
Report to Work	--	100%
Pay Traffic Fines	41%	--
Visit Public Defenders' Office	2%	--
Visit District Attorney's Office	1%	--
Report for Jury Duty	3%	--
Report / Register for Court Date	24%	--
Observe a Trial	1%	--
Other	30%	--
Travel Mode		
Auto	69%	88%
BART	6%	9%
Bus	7%	2%
Walk	14%	0%
Bicycle	4%	0%

Source: Fehr & Peers Associates, 1996.

As shown in *Table E-5*, the surveys indicate that, on a daily basis, the courthouse currently generates approximately 1,262 total person trips, including 770 daily auto trips, 144 transit trips, and 182 bicycle/pedestrian trips. During the courthouse AM peak hour, 8:30 to 9:30 AM, the courthouse generates approximately 176 total person trips (107 auto trips, 24 transit trips, and 17 bicycle/pedestrian trips). During the courthouse's mid-day peak hour, 12:00 to 1:00 PM, the courthouse generates approximately 75 total person trips (44 auto trips, 9 transit trips, and 11 bicycle/pedestrian trips). During the hour following courthouse closing, 4:30 to 5:30 PM, an estimated 81 total person trips (59 auto trips, 10 transit trips, and 2 bicycle/pedestrian trips) are generated. During the street PM peak hour, 5:00 to 6:00 PM, the courthouse contributes approximately 41 total person trips (30 auto trips, 5 transit trips, and 1 bicycle/pedestrian trip) to the afternoon commute.

Adjustment for Higher Jury Attendance. The above trip generation estimates may reflect a lower-than-average level of jury attendance on the day the visitor survey was conducted. Very few responses to the survey indicated that the responder was a jury panelist. According to the Court Administrator, the number of jurors reporting to the courthouse on any given day is highly variable, and depends on the weekly and daily trial activity. Two panels with a total of 250 potential jurors are typically summoned for a given week, but the number of those actually reporting is generally, at most, half of the total. In addition, some may be called in for a given morning during the week of the summons, others may be called in mid-day, and still others may report in the morning but be

released by mid-day. To reflect average-to-peak conditions, the survey results for jury trip generation have been increased to reflect a higher level of jury attendance than occurred on our survey day, reflecting approximately 112 jurors per day (see footnote ³). Table E-6 provides a summary of the existing trip generation estimates with the increases for typical jury attendance.

With the jury adjustments, the existing courthouse is estimated to generate approximately 1,459 total person trips (835 daily auto trips, 242 transit trips, and 215 bicycle/pedestrian trips). During the courthouse AM peak hour, the courthouse generates approximately 288 total person trips (144 auto trips, 80 transit trips, and 35 bicycle/pedestrian trips). During the courthouse mid-day peak hour, the courthouse generates approximately 131 total person trips (62 auto trips, 37 transit trips, and 20 bicycle/pedestrian trips). During the hour following courthouse closing, an estimated 137 total person trips (78 auto trips, 38 transit trips, and 12 bicycle/pedestrian trips) are generated by the courthouse. During the street PM peak hour, the courthouse contributes approximately 69 total person trips (39 auto trips, 19 transit trips, and 6 bicycle/pedestrian trips) to the afternoon commute population with the jury adjustments described above.

Existing Courthouse Parking Demand. An analysis of the existing parking demand generated for current courthouse operations was conducted using results from the visitor and employee surveys. The parking demand was treated separately for employees, jury visits, and all other uses because these three user groups have significantly different parking duration characteristics. All employees are assumed to be at the courthouse from 8:00 to 4:30 PM. All jury panelists are assumed to come to the courthouse at 8:00 AM, with 50% leaving at 12:00 PM and the remainder at 4:30 PM. The arrival and departure characteristics of all other visitors are based on the survey responses (which are recorded in half-hour increments) and the length of time each responder spent at the courthouse. As previously noted, an assumption had to be made for this analysis: that the arrival and departure characteristics for non-responders are the same as for the survey responders.

To estimate the parking demand throughout the day and at a mid-day peak, an accumulation of parking for each half hour was graphed, using the above assumptions, for the total number of survey responders who drove. Figure E-5 summarizes the data, showing the existing daily parking demand variation for all employees, jurors, and other visitors. For the existing courthouse operation, the peak parking demand occurs at 9:30 AM with a total number of 186 spaces.⁴ As noted above, only eight parking spaces are reserved for Court staff. The remainder of staff, visitors, and jurors must find parking on the street or in parking garages. Jurors currently are issued placards for free on-street parking at meters.

A common complaint during the preparation of the City's Urban Design Master Plan was that parking overflows onto local residential streets west of Martin Luther King Jr. Way. A similar issue has been raised in areas near the alternative project site, along Channing Way and other residential streets near downtown. This neighborhood concern is addressed in part by the City's Residential Parking Permit program. However, that program allows free two-hour parking on the street, which can lead to a substantial amount of parking in the neighborhood. It also can lead to a pattern of local employees using on-street parking for the maximum allotted time and then moving their vehicles at mid-morning and mid-afternoon breaks. This concern is addressed below, under Impacts and Mitigation Measures.

³ The following assumptions are used, based on consultation with the administration staff of the Municipal Court: 50% (87) of the 175 jurors on Panel A and 33% (25) of the 75 jurors on Panel B report to the Courthouse on any given day. Additionally, 50% (56) of these jurors leave between 12:00 to 1:00 PM and the remainder leave between 4:30 to 5:30 PM. Of those leaving between 4:30 to 5:30 PM, 50% leave during the street PM peak hour, 5:00 to 6:00 PM.

⁴ Based on a jury attendance level of 112 jurors to reflect average-to-peak conditions.

Table E-5
EXISTING TRIP GENERATION ESTIMATES
(from Visitor and Employee Surveys)

Purpose of Trip / Mode of Arrival	Trip Generation Estimates				
	Daily Total	Courthouse AM Peak (8:00 - 9:00)	Courthouse Midday Peak (12:00 - 1:00)	Courthouse PM Peak (4:30 - 5:30)	Street PM Peak (5:00 - 6:00)
Traffic Court Related					
Auto ¹	299	17	19	5	2
Transit	40	8	2	0	0
Bike / Ped.	62	4	2	2	1
<i>Sub-Total Person Trips</i> ²	456	37	23	8	4
Trial Court Related					
Auto ¹	155	24	16	0	0
Transit	36	4	4	0	0
Bike / Ped.	62	8	7	0	0
<i>Sub-Total Person Trips</i> ²	309	40	33	0	0
Jury Related					
Auto ¹	9	0	0	0	0
Transit	13	0	0	0	0
Bike / Ped.	4	0	0	0	0
<i>Sub-Total Person Trips</i> ²	27	0	0	0	0
All Other					
Auto ¹	200	12	9	1	1
Transit	40	4	2	2	1
Bike / Ped.	53	4	2	0	0
<i>Sub-Total Person Trips</i> ²	332	29	19	4	2
Employees					
Auto ¹	107	53	0	53	27
Transit	15	7	0	7	4
Bike / Ped.	0	0	0	0	0
<i>Sub-Total Person Trips</i> ²	138	69	0	69	35
Total of All Uses					
Auto ¹	770	107	44	59	30
Transit	144	24	9	10	5
Bike / Ped.	182	17	11	2	1
Total Person Trips ²	1,262	176	75	81	41

Source: Fehr & Peers Associates, 1996.

¹ Vehicle trips, after accounting for carpooling.

² Person trips, does not discount for carpooling.

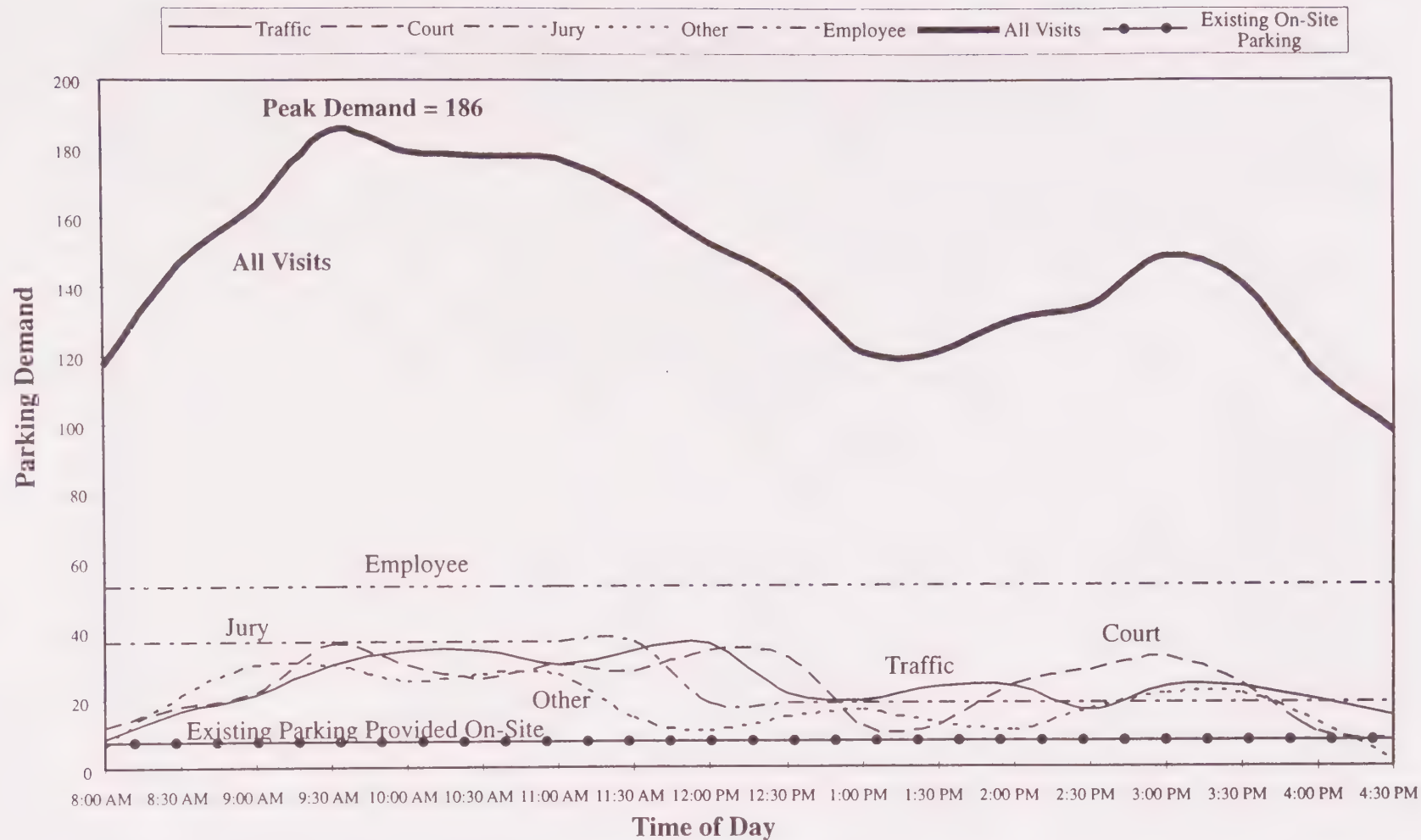
Table E-6
EXISTING TRIP GENERATION ESTIMATES WITH JURY TRIP ADJUSTMENT

Purpose of Trip / Mode of Arrival	Trip Generation Estimates				
	Daily Total	Courthouse AM Peak (8:00 - 9:00)	Courthouse Midday Peak (12:00 - 1:00)	Courthouse PM Peak (4:30 - 5:30)	Street PM Peak (5:00 - 6:00)
Traffic Court Related					
Auto ¹	299	17	19	5	2
Transit	40	8	2	0	0
Bike / Ped.	62	4	2	2	1
<i>Sub-Total Person Trips</i> ²	456	37	23	8	4
Trial Court Related					
Auto ¹	155	24	16	0	0
Transit	36	4	4	0	0
Bike / Ped.	62	8	7	0	0
<i>Sub-Total Person Trips</i> ²	309	40	33	0	0
Jury Related					
Auto ¹	75	37	19	19	9
Transit	112	56	28	28	14
Bike / Ped.	37	19	9	9	5
<i>Sub-Total Person Trips</i> ²	224	112	56	56	28
All Other					
Auto ¹	200	12	9	1	1
Transit	40	4	2	2	1
Bike / Ped.	53	4	2	0	0
<i>Sub-Total Person Trips</i> ²	332	29	19	4	2
Employees					
Auto ¹	107	53	0	53	27
Transit	15	7	0	7	4
Bike / Ped.	0	0	0	0	0
<i>Sub-Total Person Trips</i> ²	138	69	0	69	35
Total of All Uses					
Auto ¹	835	144	62	78	39
Transit	242	80	37	38	19
Bike / Ped.	215	35	20	12	6
Total Person Trips ²	1,459	288	131	137	69

Source: Fehr & Peers Associates, 1996.

¹ Vehicle trips, after accounting for carpooling.

² Person trips, does not discount for carpooling.



Source: Employee and Visitor surveys conducted by Fehr & Peers Associates indicating the transportation mode used and expected length of stay. Note: jury parking demand is increased from survey levels due to lower-than-average jury reporting on the survey day.

SOURCE: Fehr & Peers Associates, Inc.

EXISTING COURTHOUSE PARKING DEMAND VARIATION

FIGURE: E-5

Impacts and Mitigation Measures

The following discussion describes the impacts related to the location of a new courthouse at the preferred Project site (on the east side of Martin Luther King Jr. Way between Addison and Center Streets), or at the alternative site (on the east side of Milvia Street between Bancroft Way and Kittredge Street). Impacts are arranged by type (i.e., traffic, parking, pedestrian safety, etc.), with the site-specific analysis of impacts and mitigation measures listed within each impact type, first for the preferred site (#1) and then for the alternative site (#2).

Standards of Significance

The following standards of significance are used in this EIR as a means of judging whether a transportation impact warrants mitigation.

Traffic Impacts are considered significant if they: add substantially to local motor vehicle travel by increasing traffic volumes by ten percent or more; cause an intersection currently operating at LOS D or better to deteriorate to LOS E or F; add substantially to an existing deficient condition of LOS E or F by increasing average vehicle delay by five seconds or more; add to mid-block traffic volumes by ten percent or more; or fail to address neighborhood traffic concerns, i.e. short-cut traffic.

Parking Impacts are considered significant if they: substantially decrease the net public parking supply available in the downtown / civic center area by reducing supply or increasing demand by ten percent or more; or substantially increase the potential for courthouse employees or visitors to park in the residential neighborhoods adjacent to downtown and the civic center.

Transit Impacts are considered significant if they: increase transit demand above current or projected capacity; or discourage transit access for employees or visitors.

Pedestrian and Bicyclist Impacts are considered significant if they: cause or exacerbate an undesirable condition for pedestrians or bicyclists; or discourage pedestrian or bicycle access for employees or visitors.

Trip Generation and Assignment

Project Overview

The program for the new courthouse calls for doubling the number of trial courtrooms from four to eight, with the additional courtrooms expected to serve Superior Court uses (until very recently, the current Courthouse served only Municipal Court activities). Employment at the courthouse facility is anticipated to increase from 69 (currently) to 151 by the year 2010. The Project will result in increased trip generation and parking demand, resulting primarily from the increased employment, increased court-related visitation, and increased jury summons due to the doubling in the number of trial courtrooms.

It is anticipated that the addition of Superior Court functions will also expand the area from which employees, jurors, and visitors are drawn. The net effect of that change is likely to be insignificant because, although more distant trips will be made, transit opportunities will likely offset any increased tendency toward driving. Both Project sites are physically located within the downtown, with convenient access to BART, bus routes and large downtown parking garages. The preferred Project site (#1) would have pedestrian access on Center Street; public and secure parking access would be on Addison Street. The alternative site (#2) would have pedestrian access from Kittredge Street; the parking garage entrance would be located on Bancroft Way. Impacts to pedestrian and bicycle travel, and impacts to transit service and access are discussed separately, below.

Trip Generation

An increase in trip generation is expected as a result of the proposed Berkeley Courthouse project. This increase in trip generation is based on the expected increase in activities associated with the addition of four new Superior Court rooms and higher courthouse employment. The increase in employee trip generation is assumed to be proportional to the increase in employment, and the increase in court-related visitor trip generation is assumed to be proportional to the increase in the number of trial courtrooms. However, the addition of the four new courtrooms, which are expected to be used primarily for Superior Court activity, will change the characteristics of jury reporting to the new courthouse because Superior Court jury summons procedures are different than Municipal Court procedures. These differences are included in the future trip generation calculations.

Based on discussions with staff at the Superior Court, the following assumptions were developed: each of the four new Superior Court rooms would have a jury pool summons of 50 jurors, and an average of three of the new court rooms would be open Monday through Friday (the number of court rooms open will vary from two to four between Monday and Friday). Fifty jurors in each of the three courtrooms results in a net increase of 150 jurors. These new jurors are assumed to arrive at 8:30 AM, with 10% leaving at 12:00 PM and the remainder (90%) leaving at 4:30 PM, based on the arrival / departure patterns described by Superior Court staff. This is substantially different from the current Municipal Court operations, described in the Setting section of this report. *Table E-7* summarizes the future trip generation estimates for the combined Municipal and Superior Courts. *Table E-8* compares overall existing and projected trip generation.

Other elements of the program that could increase trips include the expansion of district attorney and public defender staff, clerical staff, and other functions of the courts to meet the various demands that are currently under-served by the municipal court facility and staffing.

On an average daily basis, total trips related to courthouse activity are projected to increase about 60%, with auto trips increasing 50%, transit trips increasing 90%, and bicycle/pedestrian trips increasing 60%. These variations are based on the surveyed travel patterns of the various employee and visitor groups using the existing courthouse facilities, with adjustments to reflect jury activity that was not represented in the surveys, as well as projections of travel behavior for the new courthouse activities and Superior Court jurors.

For the AM peak hour, total trips are expected to essentially double, i.e. increase 99%, with a nearly equal distribution of increases between autos, transit, and other modes of travel. Mid-day peak hour travel activity is not expected to increase as much, with an average increase of about 44%, with a slightly higher increase in pedestrian activity (expected based on the opportunity to combine trips for lunch and errands). The PM peak hour trips from the courthouse during the courthouse peak (4:30 PM - 5:30 PM) and the street peak (5:00 - 6:00 PM) will increase equally, with total trips expected to increase by about 160%, including auto trips increasing 140%, transit trips increasing 200%, and pedestrian/bicycle trips increasing by 180%.

Specifically, the new Courthouse is estimated to generate 2,324 total daily person trips (1,267 daily auto trips with carpooling, 456 transit trips, 346 bicycle/pedestrian trips). During the Courthouse AM peak hour, the new Courthouse would generate 572 total person trips (290 auto trips with carpooling, 169 transit trips, 71 bike/pedestrian trips). During the Courthouse mid-day peak hour, the Courthouse would generate 189 total person trips (88 auto trips with carpooling, 50 transit trips, 32 bike/pedestrian trips). During the hour after Courthouse closing (which partially overlaps the evening peak commute hour), an estimated 354 total person trips (188 auto trips with carpooling, 114 transit trips, 34 bike/pedestrian trips) would be generated by the new Courthouse. During the street PM peak hour, the Courthouse would contribute approximately 177 total person trips (94 auto trips with carpooling, 57 transit trips, 17 bike/pedestrian trips) to the evening commute.

**Table E-7
FUTURE PROJECT TRIP GENERATION ESTIMATES**

Purpose of Trip / Mode of Arrival	Trip Generation Estimates				
	Daily Total	Courthouse AM Peak (8:00 - 9:00)	Courthouse Midday Peak (12:00 - 1:00)	Courthouse PM Peak (4:30 - 5:30)	Street PM Peak (5:00 - 6:00)
Traffic Court Related					
Auto ¹	299	17	19	5	2
Transit	40	8	2	0	0
Bike / Ped.	62	4	2	2	1
<i>Sub-Total Person Trips</i> ²	456	37	23	8	4
Trial Court Related					
Auto ¹	357	55	36	0	0
Transit	82	10	10	0	0
Bike / Ped.	143	19	15	0	0
<i>Sub-Total Person Trips</i> ²	710	93	76	0	0
Jury Related					
Auto ¹	175	87	24	64	32
Transit	262	131	36	96	48
Bike / Ped.	87	44	12	32	16
<i>Sub-Total Person Trips</i> ²	524	262	71	191	96
All Other					
Auto ¹	200	12	9	1	1
Transit	40	4	2	2	1
Bike / Ped.	53	4	2	0	0
<i>Sub-Total Person Trips</i> ²	332	29	19	4	2
Employees					
Auto ¹	237	118	0	118	59
Transit	33	16	0	16	8
Bike / Ped.	0	0	0	0	0
<i>Sub-Total Person Trips</i> ²	302	151	0	151	76
Total of All Uses					
Auto ¹	1,267	290	88	188	94
Transit	456	169	50	114	57
Bike / Ped.	346	71	32	34	17
Total Person Trips ²	2,324	572	189	354	177

Source: Fehr & Peers Associates, 1996.

¹ Vehicle trips, after accounting for carpooling.

² Person trips, does not discount for carpooling.

Table E-8
COMPARISON OF EXISTING AND FUTURE TRIP GENERATION

Purpose of Trip / Mode of Arrival	Trip Generation Estimates				
	Daily Total	Courthouse AM Peak (8:00 - 9:00)	Courthouse Midday Peak (12:00 - 1:00)	Courthouse PM Peak (4:30 - 5:30)	Street PM Peak (5:00 - 6:00)
All Existing Courthouse Activity (with jury adjustments)					
Auto ¹	835	144	62	78	39
Transit	242	80	37	38	19
Bike / Ped.	215	35	20	12	6
<i>Total Person Trips</i> ²	<i>1,459</i>	<i>288</i>	<i>131</i>	<i>137</i>	<i>69</i>
All Future Project Activity					
Auto ¹	1,267	290	88	188	94
Transit	456	169	50	114	57
Bike / Ped.	346	71	32	34	17
<i>Total Person Trips</i> ²	<i>2,324</i>	<i>572</i>	<i>189</i>	<i>354</i>	<i>177</i>
Net Increase					
Auto ¹	432	146	26	110	55
Transit	214	89	13	76	38
Bike / Ped.	131	36	12	22	11
<i>Total Person Trips</i> ²	<i>865</i>	<i>284</i>	<i>58</i>	<i>217</i>	<i>108</i>
Percentage Increase					
Auto ¹	52%	101%	42%	141%	141%
Transit	88%	111%	35%	200%	200%
Bike / Ped.	61%	103%	60%	183%	183%
<i>Total Person Trips</i> ²	<i>59%</i>	<i>99%</i>	<i>44%</i>	<i>158%</i>	<i>156%</i>

Source: Fehr & Peers Associates, 1996.

¹ Vehicle trips, after accounting for carpooling.

² Person trips, does not discount for carpooling.

Trip Distribution

The PM peak hour trip distribution for the vehicle trips generated by the Project are shown in *Figure E-6* and in *Table E-9*. These distribution percentages were obtained from the Berkeley Citywide Traffic Model developed by Fehr & Peers Associates.⁵ However, the local trip paths are different for the two Project sites due to the location of Project parking on Addison Street for Site 1 and on Bancroft Way for Site 2. For the purpose of intersection analysis near the Project sites, the shortest path was chosen for the trip assignment. *Figure E-7* shows the Project trip assignment to the study intersections. These volumes result from the assignment of the total future PM peak hour Project trip generation, estimated at 94 trips. A similar distribution would occur for the Courthouse PM peak hour, which begins about 30 minutes earlier than the street PM peak. *Figure E-8* shows the traffic volumes for existing plus Project conditions for the two sites. *Table E-10* describes the resulting levels of service for study intersections.

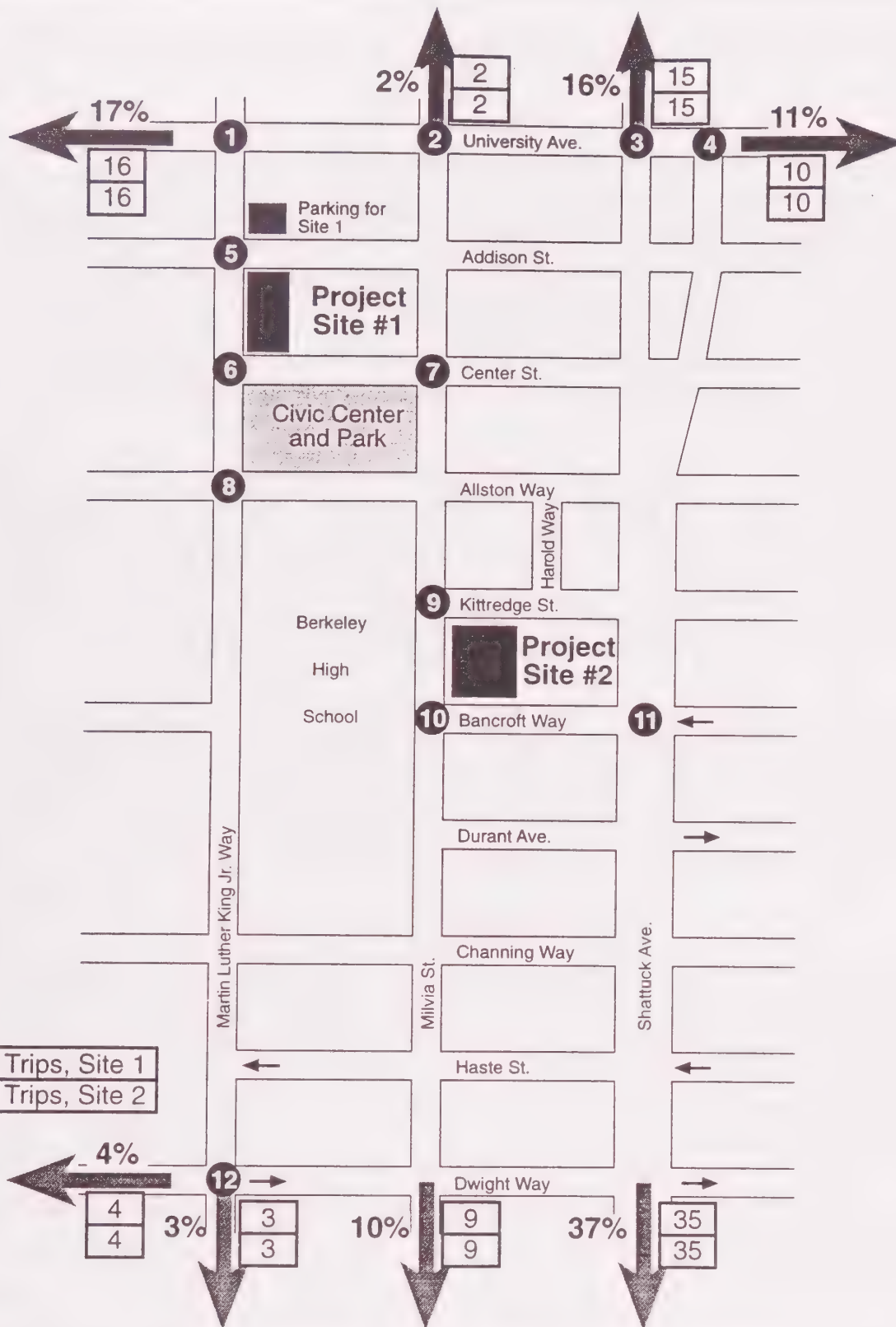
The AM peak hour would have roughly the same routing, but trips would be in the reverse direction, i.e. into the downtown / civic center area. Mid-day trips would be roughly balanced as incoming and outgoing, with a slight emphasis on outgoing trips due to the mid-day release of some potential jurors. This would have a lesser impact at specific locations due to the lack of a directional focus for background and project-based trips. The PM peak hour is also the most congested and of most concern due to the compressed work-to-home trip period and the addition of trips for errands, as opposed to the AM peak hour when travel is dispersed over a wider time band and trips are primarily home-to-work trips with lesser intermediate travel destinations.

The existing courthouse trips have not been subtracted from the intersection turning movements, for two reasons: the number of trips is relatively small, 41 trips, and would have a negligible effect when distributed to the various intersections; and, currently, virtually all court-related vehicle trips begin or end in off-site parking spaces, making it difficult to accurately define the origin or destination of the vehicle trips. The fact that these existing trips have not been subtracted from the roadway network makes the LOS analysis slightly conservative, but the net effect on overall traffic volumes and service level calculations is negligible.

Table E-9
TRIP DISTRIBUTION

Trip Origin / Destination	Percentage of Trips
University Avenue - Westbound	17%
University Avenue - Eastbound	11%
Milvia Street - Northbound	2%
Milvia Street - Southbound	10%
Shattuck Avenue - Northbound	16%
Shattuck Avenue - Southbound	37%
MLK Way - Southbound	3%
Dwight Way - Westbound	4%

⁵ Distribution pattern is for non-residential uses in the downtown area, from the Existing Conditions Traffic Model developed by Fehr & Peers Associates, 1995.



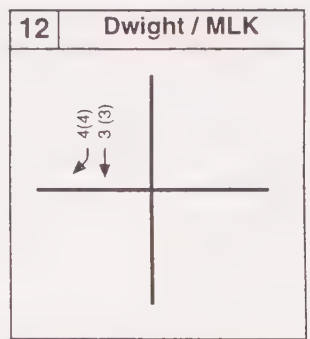
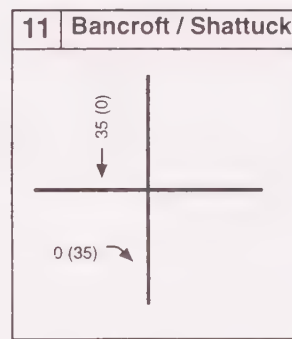
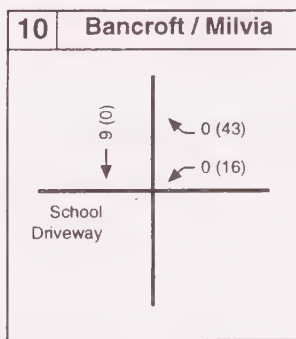
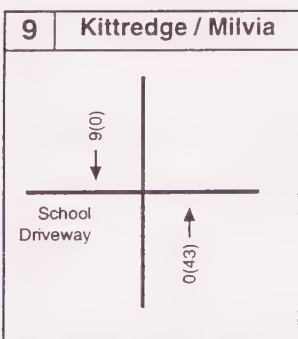
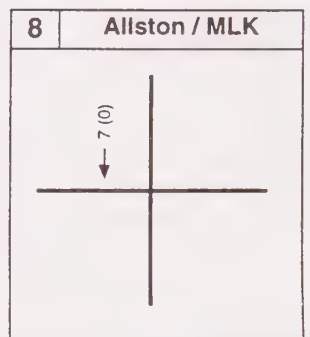
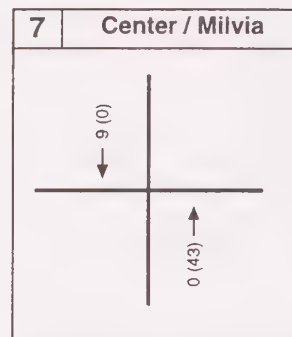
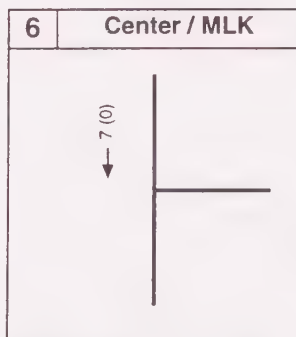
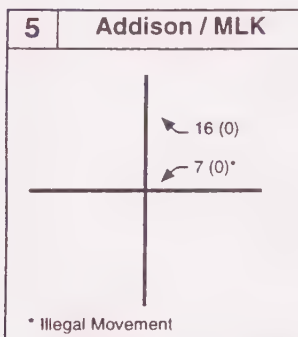
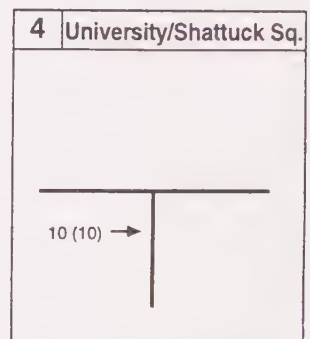
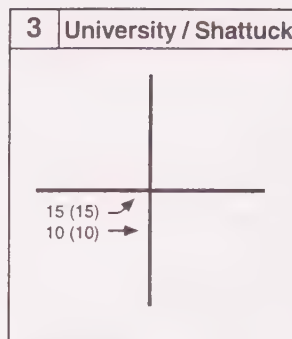
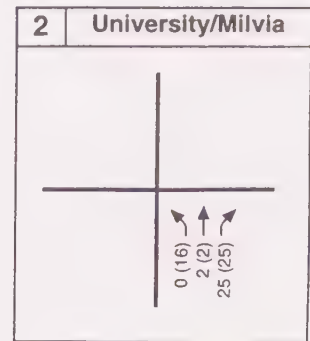
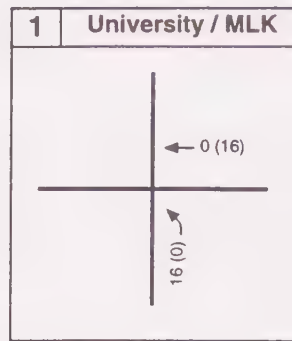
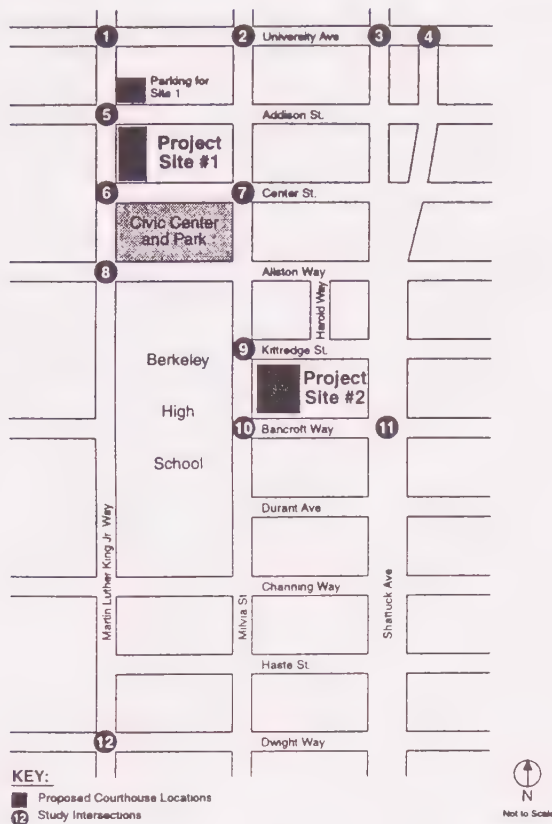
Source: Trip Generation: Fehr & Peers Associates trip generation survey, expanded to include increased activity level in new courthouse. Total future pm peak trip generation = 94 trips (all outbound).

Trip Distribution: Berkeley Citywide Traffic Model, Fehr & Peers Associates: PM Peak Hour trip distribution for downtown non-residential uses.

SOURCE: Fehr & Peers Associates, Inc.

PROJECT TRIP DISTRIBUTION PM PEAK HOUR

FIGURE: E-6



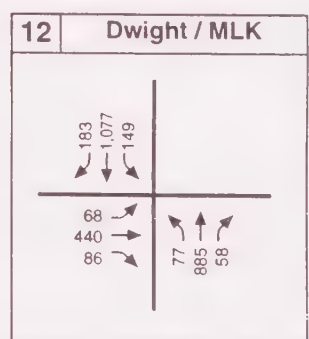
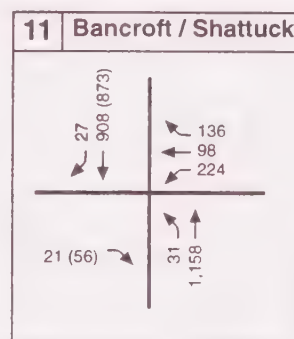
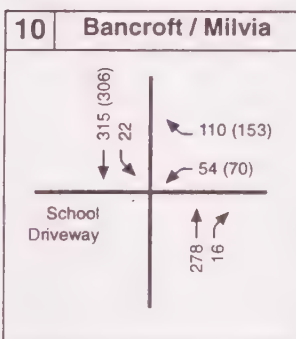
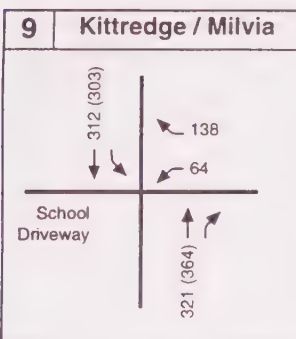
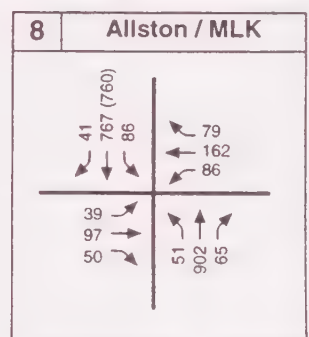
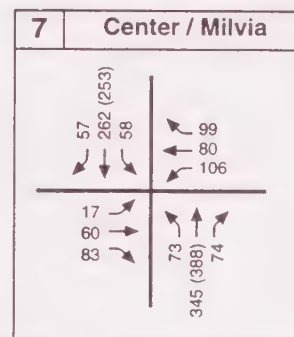
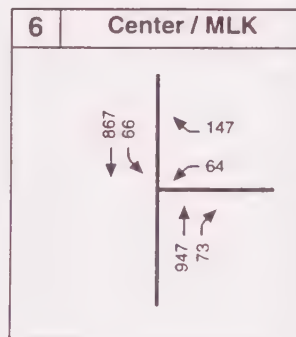
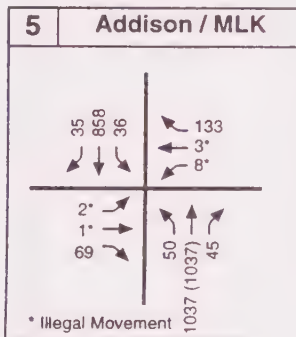
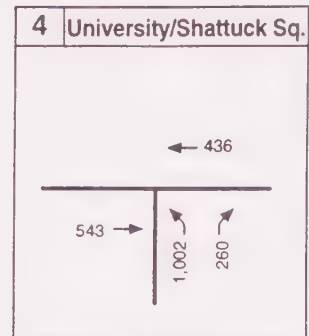
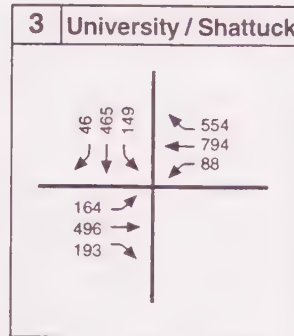
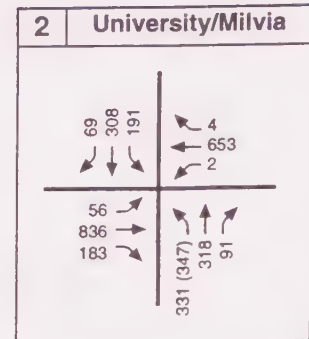
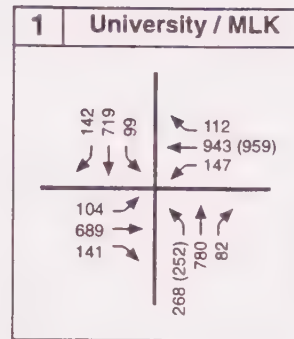
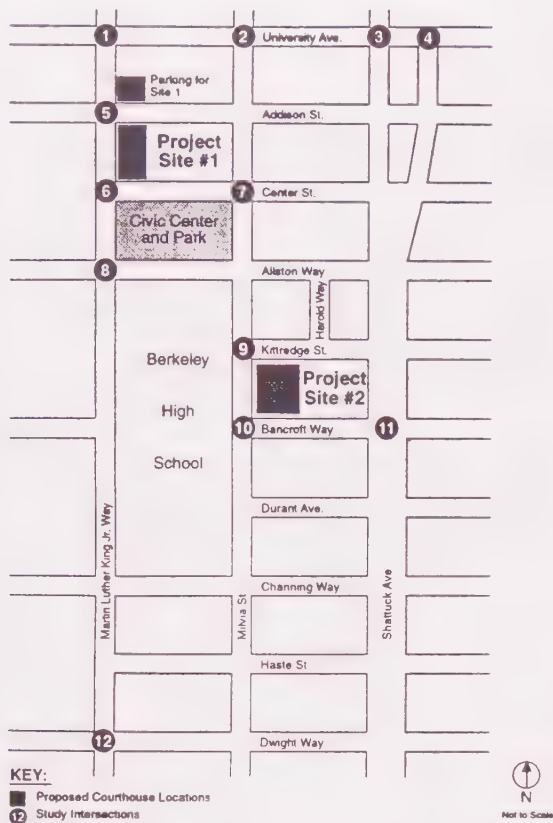
Key:
 # (#) : Site 1 Volume (Site 2 Volume)
 # : Site 1 Volume = Site 2 Volume

Note: Total trip generation for new courthouse = 94 trips (all outbound).

SOURCE: Fehr & Peers Associates, Inc.

PROJECT ONLY TRAFFIC VOLUMES PM PEAK HOUR

FIGURE: E-7



Key:
 # (#) : Site 1 Volume (Site 2 Volume)
 # : Site 1 Volume = Site 2 Volume

SOURCE: Fehr & Peers Associates, Inc.

EXISTING PLUS PROJECT TRAFFIC VOLUMES

PM PEAK HOUR

FIGURE: E-8

Table E-10
INTERSECTION LEVEL OF SERVICE SUMMARY
EXISTING PLUS PROJECT CONDITIONS
PM Peak Hour

Intersection		Control Type	Worst Movement ¹	Existing Conditions		Existing + Project @ Civic Center		Existing + Project @ Kittredge St.	
				Delay	LOS	Delay	LOS	Delay	LOS
1	University Avenue / MLK Way	Signal	n/a	18	C	18	C	18	C
2	University Avenue / Milvia Street	Signal	n/a	* ²	F	*	F	*	F
3	University Avenue / Shattuck Avenue	Signal	n/a	*	F	*	F	*	F
4	University Avenue / Shattuck Square	Signal	n/a	18	C	17	C	17	C
5	Addison Street / MLK Way ^{3, 4}	Two-Way STOP	EB LT/TH/RT	12	C	*	F	12	C
6	Center Street / MLK Way	One-Way STOP	WB LT	*	F	*	F	*	F
7	Center Street / Milvia Street ⁴	Signal	n/a	20	C	20	C	31	D
8	Allston Way / MLK Way	Signal	n/a	11	B	11	B	11	B
9	Kittredge Street / Milvia Street	One-Way STOP	WB LT/RT	9	B	9	B	10	B
10	Bancroft Way / Milvia Street	One-Way STOP	WB LT	10	B	10	B	10	B
11	Bancroft Way / Shattuck Avenue	Signal	n/a	12	B	12	B	12	B
12	Dwight Way / MLK Way	Signal	n/a	31	D	31	D	31	D

Source: Fehr & Peers Associates, 1996.

EB = eastbound, WB = westbound, NB = northbound, SB = southbound.
 LT = left turn, RT = right turn, TH = through.

- ¹ Level of Service designations for unsignalized intersections reflects the highest delay ("worst") movement. For signalized intersections, the LOS corresponds to the average delay of all movements.
- ² * = Delay calculation exceeds 60 seconds for signalized intersections, or 45 seconds for unsignalized intersections.
- ³ LT (left-turn) and TH (through) movements are legally restricted at this intersection, but some motorists continue to make these movements. Whether or not those motorists are included in the analysis, the existing delay for the intersection is still acceptable. Future conditions with the proposed parking garage on Addison Street would require a change in this traffic control to facilitate access, avoid congestion, and reduce the potential for hazardous and illegal turning movements.
- ⁴ Shaded cells indicate a deterioration in LOS compared to existing conditions. The City is considering a new signal at Center/MLK.

Existing Plus Project Traffic Volumes and Levels of Service

Impact E-1: The project would result in a substantial increase in traffic volumes on local streets immediately adjacent to the project site, particularly on streets providing access to a new parking garage. At the Civic Center Site, this impact would occur on Addison Street between MLK Way and Milvia Street, primarily at the western end near MLK Way. At the Hink's Garage Site, this impact would occur on Bancroft Way between Milvia Street and Shattuck Avenue, and on Milvia Street between Center Street and Dwight Way. (S)

Site #1 - Addison Street / MLK Way

Traffic on Addison Street is currently relatively light due to the character of the adjacent land uses, the narrow roadway width, right-turn only controls at the MLK Way / Addison Street intersection, and the availability of parallel routes. About 120 vehicles currently use Addison Street to access MLK Way during the PM peak hour, with nearly all of these turning right in conformance with legal turn restrictions. The addition of the new courthouse and parking garage, with sole motor vehicle access on Addison Street, would result in a substantial increase in the number of vehicles using Addison Street, adding approximately 76 PM peak hour trips on the westbound approach to the MLK Way / Addison Street intersection. This impact would also be noticeable in the morning peak hour when employees and jurors arrive, and throughout the day if the Project's 1,267 daily vehicle trips are focused primarily around the proposed parking garage.

Because the access to the public parking garage and staff parking would be located on Addison Street, all motor vehicle trips to the courthouse would have to use the Addison / MLK or Addison / Milvia intersections. This traffic study uses a conservative approach by assuming that all motor vehicle traffic would use the parking garage, based in part on the fact that existing parking in the area is at or near practical capacity limits. Some employees and visitors will probably choose to park elsewhere, so not all trips would actually use the Addison Street corridor. The minor dispersion of trips to Center Street, Milvia Street, and other local on-street or off-street parking would not cause a significant impact, unless the Courthouse provided substantially less new parking than demand would warrant, as discussed below.

The MLK Way / Addison Street intersection is currently restricted to right turns only for Addison Street traffic, and is STOP sign controlled on those side streets. If this were to remain the case, then motorists wishing to travel southbound from the project site and civic center area would have to travel eastbound on Addison Street to access Milvia Street, Shattuck Avenue, or Oxford Street. The level of service for the intersection would remain LOS C if left turn and through traffic restrictions remained in place, as most traffic would use the Milvia and Shattuck corridors instead. If left turns were allowed at this location, then the operations would deteriorate to F without a signal, since the demand for the left turn movements would increase substantially but capacity would not.

Use of Addison Street instead of allowing left turns onto MLK Way is considered an undesirable condition for numerous reasons, including: the narrow width of the roadway, the diverse mix of existing land uses, the City's interest in developing a more pedestrian-oriented environment for an arts district east of Milvia Street, the impact on the Milvia Street "bicycle boulevard" and "slow street" programs, and the existing congestion in the downtown. MLK Way is therefore considered a more desirable route, also due to its closer proximity to the proposed garage, and its proximity to the University Avenue corridor.

Based on the high demand for left turns with the addition of Project traffic at MLK Way / Addison Street, a traffic signal is proposed to be installed. A signal could be designed to facilitate the movement of side street traffic to MLK Way, but restrict traffic through the neighborhood to the west. Dedicated left turn lanes from southbound MLK Way onto Addison Street and from westbound Addison Street onto southbound MLK Way would be

required. Permissive phasing (no dedicated left-turn signal phase) would maintain an acceptable level of service with a signal (LOS B with turn pockets versus LOS F without). A signal interconnect should be considered for the University Avenue / MLK Way signal and the signal being considered by the City at Center Street / MLK Way. This lane geometry and phasing is similar to that currently provided at Allston Way / MLK Way to the south. A similar design is recommended for the Center Street / MLK Way intersection. Approximately 20 on-street parking spaces would have to be eliminated along MLK Way to provide for these turn lanes and turn lanes at the Center Street intersection.

The Center Street signal proposed by the City of Berkeley would address the high volume of pedestrian crossings at Center Street / MLK Way, and the increased traffic flow through the intersection due to various projects included in the City's Civic Center Urban Design Plan. The Courthouse project would contribute less than 5% to the traffic volumes through the Center Street / MLK Way intersection during the PM peak hour.

Mitigation Measure E-1a: (Civic Center Site) With access to a parking garage on Addison Street near MLK Way, partial or full funding could be provided for the design and installation of a traffic signal at the intersection of MLK Way / Addison Street, including striping, signs, on-street parking restrictions, signal structures and controls, and interconnection with adjacent traffic signals, as appropriate.

With this mitigation, no modifications are required or recommended for the Addison Street / Milvia Street intersection, or at any other study intersection, based on overall traffic volumes, levels of service, and Project contributions to the total traffic volumes.

Site #2 - Bancroft Way / Milvia Street

At Site 2, a substantial increase in traffic volumes would occur on Bancroft Way and Milvia Street due to the location of the proposed parking garage on the south side of the project site. Traffic volumes on Bancroft Way are currently approximately equal to those on Addison Street near Project Site #1. Existing traffic volumes on Milvia Street are 60 to 75% lower than traffic on MLK Way, so the increase in trips due to the project, and the reassignment of trips that use the existing parking garage from Kittredge Street to Bancroft Way would result in a substantial change in the traffic volumes on Bancroft Way and Milvia Street.

The Center Street / Milvia Street intersection currently operates at LOS C. With the addition of Project traffic at the alternative site, this intersection would deteriorate to LOS D. Although this is a significant impact in terms of a noticeable change in conditions, LOS D is an acceptable level of service, and the intersection is already signalized. Therefore, no mitigation is recommended for this location.

Mitigation Measure E-1b: (Hink's Garage Site) None required.

Impact E-2: **Project traffic would add a minor amount of traffic to three intersections that are currently operating at LOS E or F: University Avenue / Milvia Street, University Avenue / Shattuck Avenue, and Center Street / MLK Way. (LS)**

The Project would contribute traffic to three local intersections that are already operating at LOS E or F, whether the Project is located at Site #1 or #2. At University / Shattuck, the Project would contribute 25 trips to the eastbound approach whether developed at Site 1 or Site 2, which is a 3% increase compared to the existing volumes. At University / Milvia, the Project would contribute 27 trips to the northbound approach if developed at Site 1, or 43 trips if developed at Site 2 (a 4% or 6% increase, respectively). At Center / MLK, the Project would contribute 7 trips to the southbound approach if developed at Site 1 (a 1% increase), or 0 trips if developed at Site 2. Average delay at these three intersections would not increase by a measurable amount.

The addition of Project traffic would not represent a significant impact to these three intersections based on the change in level of service or the percentage contribution to total traffic volumes. No physical improvements to these intersections are currently planned by the City of Berkeley, and few modifications are feasible, so there is no reason for the County to contribute toward mitigation at these locations. Other measures to minimize overall traffic generation are discussed below under Transit, and Bicyclists and Pedestrians.

Mitigation Measure E-2: None required.

Parking Demand / Replacement

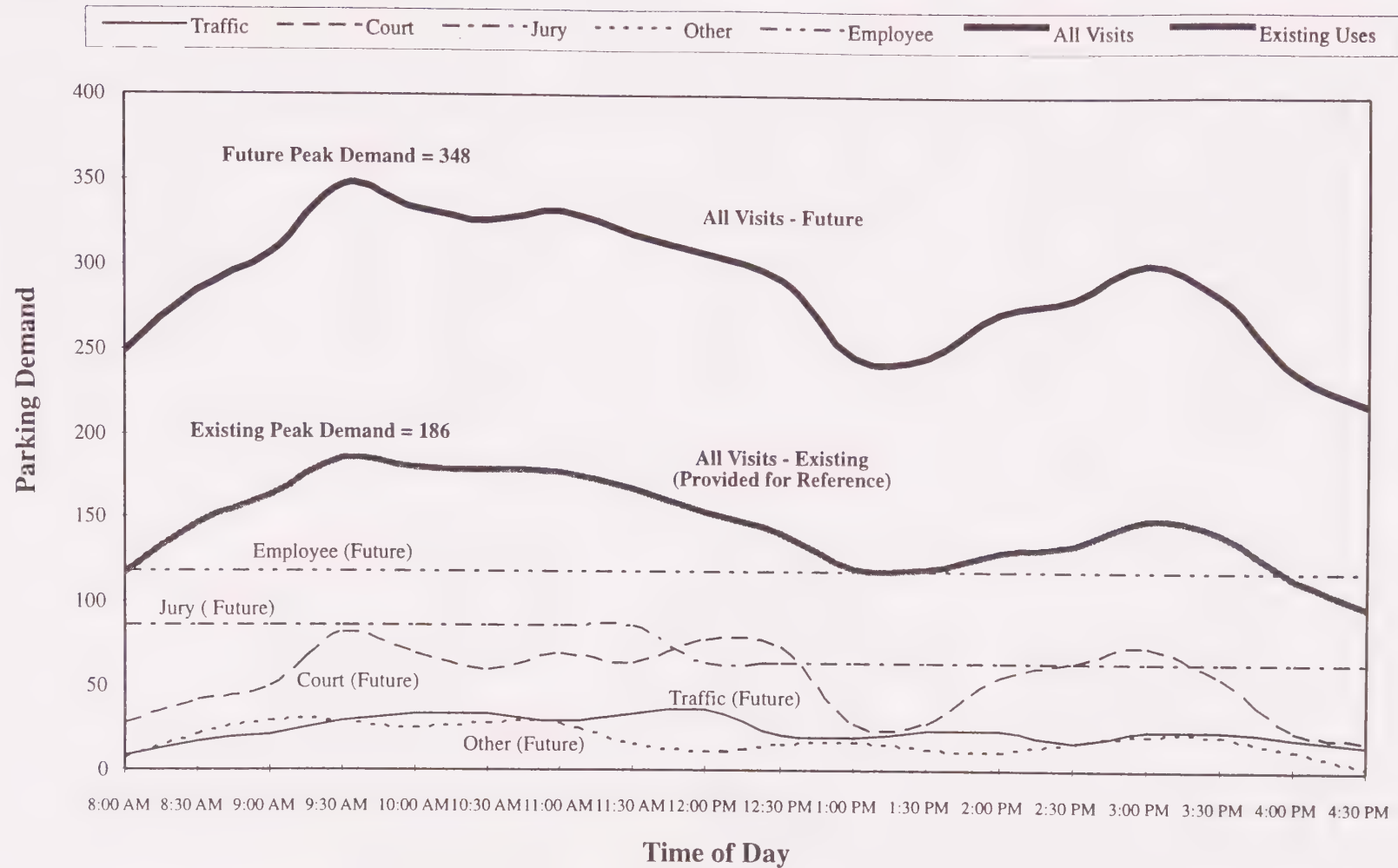
Impact E-3: **Increased employment and use of the new courthouse will increase the peak courthouse parking demand from an estimated 186 spaces (current) to an estimated 348 spaces (future), an increase of 162 spaces. (S)**

Estimates of parking demand are based on employee and visitor surveys, as well as an estimate of a high jury summons day for future conditions. Because the number of jury panelists actually reporting to the site is highly variable on a day to day basis, the parking demand may often be lower, but may occasionally be higher. However, this is also true of employee, visitor, and other traffic and parking. This study uses a conservative approach to describe the potential demand, based on surveys, projections, and a 10% margin of error factor.

An analysis of the future parking demand was conducted for the proposed courthouse relocation and expansion (addition of four new Superior courtrooms and an increase in courthouse employment from 69 to 151 employees). The project is expected to increase the existing parking demand as well as shift courthouse-related parking from on-street and public garages to a new courthouse parking garage. This would be a net benefit to the area in terms of increased parking availability for those already having business in the area, and reduced congestion because motorists would not have to circle the block looking for a vacant meter space or park in the adjacent neighborhood. *Figure E-9* summarizes the future parking demand for employees, jurors, and all other visitors.

Site #1 - MLK Way / Center Street

For Site 1, the provision of at least 170 parking spaces would accommodate all of the increased parking demand for the project (assuming net increased demand of 162, plus the removal of eight existing reserved spaces). This amount of new parking would result in no net change to the amount of public parking available in the downtown and surrounding areas, but would also cause the continued problems associated with parking spill-over into adjacent neighborhoods. Any parking that the County provides in excess of 170 spaces would result in a net increase in available parking, which could alleviate some of the spill-over, and could increase the efficiency of jury summons and other business with the courts because an adequate supply of parking would be available in close proximity to the court facility. Therefore, the County is proposing to build between 250 and 350 spaces.



Source: Existing parking demand (Figure E-5), increased to reflect higher employee, jury, and court-related parking demand due to the Project's higher employment and increased number of courtrooms.

SOURCE: Fehr & Peers Associates, Inc.

FUTURE COURTHOUSE PARKING DEMAND VARIATION

FIGURE: E-9

As described in the Setting section, the majority of on-street and off-street parking sites are near or at capacity. Any net increase in available parking in close proximity to the project and at reasonable cost could address the parking demand for the project and neighborhood concerns about on-street parking west of MLK Way. The proposed Project site's location east of MLK Way from the McKinley Avenue and Addison Street neighborhood also would provide a disincentive for staff or visitors to park in the Residential Parking Permit areas, compared to the Court's current location immediately adjacent to the neighborhood.

To accommodate the courthouse's total future peak parking demand, about 350 spaces would need to be provided. This would result in a net increase of about 180 spaces of available parking in the downtown and surrounding areas because the current demand is met by on-street parking spaces or existing garages/lots, which could be used by others after the construction of the new County garage.

Mitigation Measure E-3a: (Civic Center Site) Construction or participation in the development of a new garage with at least 170 new parking spaces would accommodate the net increased demand at the new Courthouse; 350 spaces would accommodate the total peak demand for parking.

The County is proposing to construct a new parking garage with between 250 and 350 spaces as part of the Courthouse project. It would be located on the northeast corner of Addison Street / Martin Luther King Jr. Way, across the street from the preferred courthouse site. Access would be from Addison Street, as would access to between 25 and 30 secure underground parking spaces below the courthouse building. The County intends to maximize the amount of parking that can be provided at the site in order to meet parking demand for the courts, as well as the needs of other local offices, businesses, and the theater district. The City of Berkeley may also have a shortfall in parking at the Public Safety Building or other civic center facilities, which could be met at this location. A preliminary design indicates that 350 spaces could be provided on five levels, one of which would be underground. The height of the structure could be stepped from about 35 feet at the MLK Way frontage to about 45 feet at the eastern end adjacent to a new office complex of similar height. If retail uses are incorporated into the structure, the number of spaces would probably have to be reduced, or the structure could add another level above or below ground.

One reason the County intends to construct the new parking facility for the courthouse is because it provides a means of maintaining control over the supply available to the courts. Parking is considered an important element in courthouse operations due to the potential disruption of activities if staff and jurors are unable to arrive promptly and stay for extended periods of time without concern over receiving parking citations. County policy is to charge an hourly, daily, or monthly fee for all parking, including for jurors who receive a partial subsidy. Other visitors and the general public would also benefit from new parking at this location, since the garage would most likely be open to the public during the day and on weekends. If the County is unable to acquire the necessary properties and construct a new parking garage as part of the courthouse project, then the County would likely contribute toward the City's other parking garage development projects within the downtown / civic center area. Actual costs or types of participation would be negotiated.

The City of Berkeley has established a parking mitigation fund for the downtown area, including the Project site. Based on the Downtown Plan, parking that should be supplied for new development is calculated at a rate of 1.5 spaces per 1,000 gross square feet of floor area. This ratio recognizes that actual demand is typically higher, but City policies aim at reducing the rate of single-occupant vehicle trips into the downtown. The Courthouse's 120,000 square feet would indicate a theoretical need for 180 spaces; the net increase in floor area occupied by the courts compared to existing conditions would be about 90,000 square feet, or 135 parking spaces. Under the City's plan, a typical new development could construct this parking, or could pay the City's impact fee of \$12,000 per space, which would total a maximum of \$2,160,000 for 120,000 gross square feet of development, or

\$1,620,000 for a net 90,000 square-foot increase compared to existing court-occupied space in the immediate vicinity.

The City of Berkeley is considering several parking garage projects in the downtown area, including development of a mixed-use facility at the Oxford lot east of Shattuck Avenue, seismic retrofit and expansion of the Center Street garage between Milvia and Shattuck Avenue, and possibly an underground parking garage at the Civic Center Park. Fees accumulated from various developments presumably will be used for these or similar projects. The County, however, is not obligated to pay these fees, particularly if the County will be developing a separate supply of parking for the new courthouse in excess of either the gross or net demand.

The loss of existing parking that is located on the preferred Project site is not considered significant because the parking is currently restricted for use by employees and visitors to on-site developments, or no parking is provided and all parking demand is already met in local lots, garages, or on the street. When existing occupants are removed as part of Courthouse construction, then the associated parking demand for those uses will also be eliminated. If those existing uses relocate to nearby office or residential space, they would have access to site-specific parking, or parking demand would continue to be met with existing on- and off-street spaces.

Site #2 - Kittredge Street / Milvia Street

The County's program document for the alternative Project site shows a parking garage mass that could accommodate about 350 spaces. This would accommodate all of the project's parking demand, but would result in a net loss of about 410 spaces for public use during peak jury days, plus the loss of about 40 spaces used by the US Postal Service. The downtown business community has expressed concern that the loss of parking at the Hink's Garage would result in a substantial impact on the viability of businesses that do not have their own off-street parking. Peak demand plus full replacement would require the County to construct a garage with about 800 spaces (350 total courthouse parking demand plus replacement of 450 spaces currently on the site). However, the existing courthouse is already generating a demand for about 180 spaces in the downtown area which are already accommodated in local on-street and off-street lots. Therefore, the net increase in demand for parking due to the expansion of the courthouse operations is about 170. This number combined with full replacement of existing on-site parking would result in a need for a parking garage with 620 spaces.

Mitigation Measure E-3b: (Hink's Garage Site) Construction or participation in the development of at least 620 new parking spaces would accommodate the net increased demand and full replacement of existing public parking; 800 parking spaces (on-site or local) would accommodate the total peak demand and full replacement of existing public parking at the site. Some of this parking could be provided in cooperation with the City, BUSD, and others with similar parking needs.

A parking garage for 800 vehicles at the project site would need to have six levels occupying the entire southern half of the site along Bancroft Way. Such a structure would be about 55 feet tall, and would impinge on the sallyport and library access. It would also attract a high number of trips to Bancroft Way between Milvia and Shattuck, which is currently relatively quiet. This could have adverse effects on the local residential use to the south, and would affect the pedestrian and bicycle activity in the Milvia Street / Berkeley High School area, as discussed below. Therefore, a 800-space garage is not recommended.

A parking garage for 620 vehicles could be constructed on a smaller portion of the site with five levels. The structure would be about 45 feet tall. The structure could have a partial underground level due to the slope of the site, which could reduce the height to about 40 feet, in conformance with City zoning. Traffic volumes would increase on Bancroft Way, but access could also be provided on Milvia Street to distribute the trips more evenly between Bancroft and Milvia. This garage also would allow access to the sallyport and library loading dock.

The County may also consider partial funding for other public parking projects planned by the City, such as the Oxford lot or Center Street garage, as a means of providing some replacement parking for general public use. The Oxford mixed-use project is estimated to provide about 250 net new parking spaces for the downtown. Expansion of the Center Street garage could provide about 175 spaces, but would displace about 50 “valet” spaces on an existing surface lot, for a net increase of 125 spaces. Together, these two projects would provide 375 to 425 spaces which would be nearly equal to the existing public parking that would need to be demolished at Site #2.

The Berkeley Unified School District has also considered several concepts for developing a parking garage or mixed-use project on the adjacent tennis courts, which could provide between 85 and 475 parking spaces depending on the land area used and the height of the structure. No formal plans for that project have been put forth at this time, but the County could assist in the development of that project if appropriate, to meet the future demand for the Courthouse, BUSD, and public parking.

It should be noted that the *1992 Parking Conditions Update* prepared for the City indicated that up to 245 off-street spaces remained available at mid-day, along with 127 spaces on the local streets. Thus, it appears that there may be sufficient capacity to accommodate parking demand which would not be met by the combination of the new courthouse garage and other off-street public parking projects planned in the area.

In any event, during construction, the existing parking at the alternative site would be displaced, which would create excess demand for other available parking and could have adverse effects on local businesses. It would be preferable if additional parking capacity was provided off-site prior to project construction in order to minimize the disruption to motorists and businesses.

Mitigation Measure E-3c: (Hink’s Garage Site) Interim public parking solutions could be provided for the downtown area during project construction in order to provide for public parking demand at local businesses and the Post Office that now depend on the parking garage and lots located at the alternative project site.

Possibilities for interim parking that warrant further study may include valet (stacked) parking at existing public lots and garages, closing Harold Way and parking vehicles on the street, additional parking on the Berkeley High School campus south of the gymnasium, or parking on the Berkeley High School tennis courts south of the alternative project site. In addition, the new parking garage could conceivably be completed prior to the new courthouse in order to minimize the length of time that the parking would be unavailable. It may also be appropriate to demolish and replace the parking during the summer months, when student-generated parking is lowest and when winter holiday parking is not needed. A determination as to the appropriate mitigation strategy would be made as part of project approval at this location.

Pedestrian Activity

Impact E-4: Relocation and expansion of the courthouse would increase vehicular and pedestrian activity in the project vicinity, which could exacerbate pedestrian / vehicle conflicts. At the Civic Center Site, this would occur along MLK Way, Addison Street, and Center Street; at the Hink’s Garage Site this would occur along Milvia Street, Bancroft Way and Kittredge Street. (S)

Site #1 - MLK Way / Center Street

Activity would increase around the new courthouse because existing court programs would be consolidated into a single location, and new functions would be added to the facility. Daily trips by bicycle, walking and transit

are projected to increase substantially, from 457 today to 802 in year 2010; similarly, courthouse-related vehicle trips are projected increase from 835 today to 1,267 in year 2010. Cumulative growth in traffic, pedestrian, bicycle and transit activity from general development in the area is expected to be equally dramatic.

The Center Street / MLK Way intersection has been identified by the City as a particular concern due to the high volume of crossings and lack of control for through vehicular traffic. By relocating the courts across MLK Way closer to most of the downtown parking supply, the downtown BART station, and most downtown bus stops, the new Courthouse would alleviate some concern because the increased trip rates would be offset by the lack of a need to cross MLK Way from downtown to the site. In addition, the provision of new courthouse parking may reduce the number of employees and visitors parking in the adjacent neighborhoods, which would otherwise require pedestrian crossings at MLK Way.

The pedestrian environment in the Project vicinity is currently adequate for the demand. In addition, the City is considering several improvements as identified in the Downtown Plan, Downtown Improvements Plan, and Civic Center Urban Design Plan. These include widening the sidewalk on the north side of Center Street and removing angled parking to provide a landscaped pedestrian way in front of the civic buildings, to coordinate the area with the Civic Center Park, to narrow the street for “traffic calming,” and to enhance the area for activities such as the farmer’s market. This would enhance the Project area and mitigate concerns about pedestrian activity.

Mitigation Measure E-4a: (Civic Center Site) County participation in the design and implementation of the pedestrian improvements along Center Street between MLK Way and Milvia Street is anticipated. The courthouse and parking garage could be designed with pedestrian-scaled design elements along the street frontages, including windows, wall treatments, landscaping, lighting, and other elements in general conformance with the City of Berkeley design plans for the area.

Site #2 - Kittredge Street / Milvia Street

The relocation and expansion of the courthouse at the alternative site would remove courthouse-related pedestrian trips from the MLK Way / Center Street area and would place them in the Milvia Street and Kittredge Street area. The location of the courthouse on Site 2 would reduce pedestrian volumes crossing MLK from neighborhoods west of downtown, but would probably increase pedestrian volumes traveling to and from the neighborhoods south of downtown. Local streets around the alternative site carry low volumes of traffic and are well suited to pedestrian activity. Night-time safety could be a concern in some cases due to the dispersed land uses along Bancroft Way and Milvia Street in the immediate vicinity, which reduced the sense of activity and informal patrol by others in the area. However, the Courthouse would not exacerbate this beyond existing conditions, and could improve it if the parking garage is open at night and introduces more general activity into the area related to downtown commercial uses.

Mitigation Measure E-4b: (Hink’s Garage Site) The courthouse and parking garage could be designed with pedestrian-scaled design elements along the street frontages, including windows, wall treatments, landscaping, lighting, and other elements in general conformance with the City of Berkeley design plans for the area.

Transit

Impact E-5: Relocation and expansion of the courthouse would improve transit access and potentially increase transit ridership. At the Civic Center Site, this would occur by eliminating the need to cross MLK Way and maintaining the location on Center Street near the Berkeley BART station and bus lines; at the Hink’s Garage Site this would

occur by locating the project within the central downtown area near the Berkeley BART station and bus lines. (B)

Both courthouse sites have good access to transit due to their location east of Martin Luther King, Jr. Way within the civic center and downtown areas. While Site #2 is closer to Shattuck, which carries many of the downtown bus routes, Site #1 is closer to MLK and University, which together carry several bus routes. Both sites are superior to the existing courthouse conditions because they are within the downtown area bounded by the primary traffic-carrying arterials (MLK, University, Shattuck and Dwight), and thus do not require as many major street crossings for transit patrons walking to and from their transit stop.

Expansion of the courthouse facility is likely to increase transit ridership, from the existing estimate of 242 daily trips to a future rate of 456 daily trips. The PM peak hour transit trip rate would increase from 19 (existing) to 57 (future). The increase in transit trips related to the increased courthouse activity would not exceed current available transit capacity. The Courthouse will continue to serve the Municipal Court needs of Berkeley and Albany, and will draw jurors from those two locales. In addition, the new facility will accommodate Superior Court functions, which can draw jurors from throughout the County. Non-residents of Berkeley and Albany may be less likely to use AC transit for longer trips to the Courthouse, but BART would be a viable option for residents throughout the County, and BART will be opening the extensions to Castro Valley and Dublin/Pleasanton in the near future. Therefore, the Project is expected to have no adverse effect on the travel patterns of employees, jurors, and visitors having business with the Court system.

Mitigation Measure E-5: Transit use by employees, jurors, and visitors could be encouraged via employee education and parking cash-out programs, information in jury summons notices, information booths at the courthouse, and other available means in coordination with other County and City programs.

Bicycle Access

Impact E-6: The project would likely increase trips to the courthouse via bicycle. Increased non-vehicular trips are encouraged by City policy, but a lack of secure parking could result in a lost opportunity to achieve higher use of alternative modes of travel including bicycles. (LS)

The Courthouse project will be located in an area well served by bicycle routes and bicycle lanes on City streets. It is estimated that daily average bicycle trips would increase by about 60 percent after construction of the new facility. The City has a transportation mitigation fee of \$0.20 per square foot of development within the downtown area that is used to facilitate transit, vanpool, carpool, and bicycle use by commuters. The City also has a bicycle parking requirement of 1 space per 20,000 gross square feet of development. The County is not subject to this fee or bicycle parking requirement. However, the County will consider appropriate means of including bicycle commuter information and facilities in the new Courthouse facility. No specific designs have been formulated for the project so no facilities are identified at this time.

Mitigation Measure E-6: Showers, lockers, and secure parking facilities for employees who choose to ride bicycles to work could be provided. Secure bicycle parking spaces could also be provided for jurors and visitors.

Cumulative Conditions

The following discussion summarizes the cumulative impacts of the Courthouse project in the context of other planned and expected development in and around the downtown / civic center area.

Impact E-7: **The estimated traffic volumes from the project and other planned and expected growth in the area could cause small increases in delay at the study intersections, with two intersections deteriorating by one LOS grade (Hink's Garage Site only). The service level changes would not exceed LOS D. (LS)**

The cumulative analysis takes into account all traffic generated by planned and expected development in the downtown area, as well as the projects explicitly defined in the Civic Center Urban Design Plan. These include: the Public Safety Building, to be located on the southwest corner of Addison / MLK; the Library expansion; and additional space at the Martin Luther King, Jr. Civic Center building (to be used for relief of employee congestion rather than expansion). The cumulative analysis also accounts for projects included in the University of California's Long Range Development Plan. Traffic growth related to regional development was compared with both the Alameda County CMA model and the Berkeley Citywide traffic model, and is projected to add negligible traffic to the study intersections.

Figure E-10 shows the locations of the cumulative development projects in the downtown area, and *Table E-11* lists the projects. *Table E-12* shows the trip generation for these projects. In many cases, the projects involve redevelopment or intensification of existing uses, which is why *Table E-12* shows trips removed from and added to the roadways. The net trip generation is estimated to be 632 PM peak hour trips.

The trips generated by these projects were distributed and assigned to the roadway network with the TRAFFIX trip assignment model, using trip distribution patterns in the Berkeley Citywide traffic model. This MINUTP gravity model shows different trip distribution patterns for residential, commercial and other uses in the downtown, and these patterns were manually applied to the trips shown in *Table E-12*. *Figure E-11* shows the trips assigned to the study intersections, and *Figure E-12* shows the Existing Plus Background Growth traffic volumes. Most intersections see an increase of less than 100 peak hour trips with the addition of background growth. Those intersections with growth of more than 100 trips are: Center / MLK (128 trips), Center / Milvia (121 trips), and Bancroft / Shattuck (282 trips).

Figure E-13 shows the Cumulative traffic volumes (Future Background traffic plus Courthouse Project traffic.)

The intersection service levels for the Existing plus Cumulative and Cumulative plus Project cases were calculated and are shown in *Table E-13*. The addition of other background traffic will cause two intersection service levels to fall from B to C: Kittredge / Milvia (one-way stop, worst movement westbound left turn / right turn), and Bancroft / Shattuck (signalized). All other service levels remain the same as for existing conditions. For Project Site 1, the addition of Project traffic causes no LOS changes relative to Existing Plus Cumulative levels. For Project Site 2, two service levels would change compared to traffic from other background growth: Center / Milvia falls from LOS C to LOS D, and Bancroft / Milvia falls from LOS B to C. These levels of service are acceptable.

Mitigation Measure E-7: None required.

Public Safety Building * 11

Parking for Site 1

Project Site #1*

Civic Center and Park 12

* Civic Center Addition **

Berkeley

Project Site #2

High

School

Martin Luther King Jr. Way

Milvia St.

Shattuck Ave.

9

University Ave.

1

Addison St.

2

4

5

Center St.

3

Allston Way

Harold Way

Additional * Parking 13

Kittredge St.

10

* Library Expansion

7

Bancroft Way

Durant Ave.

6

Channing Way

Haste St.

8

Dwight Way

KEY:

- Proposed Courthouse Locations
- Proposed Projects

Notes:

- * Denotes Civic Center Urban Design Plan Projects
- ** Civic Center addition will provide more space for existing employees and uses, and will not involve additional employees or uses.

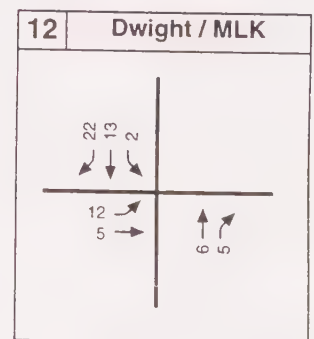
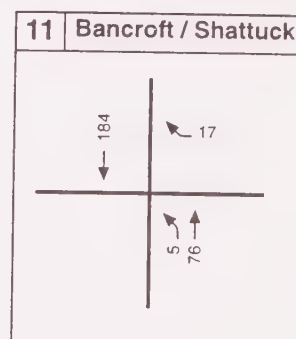
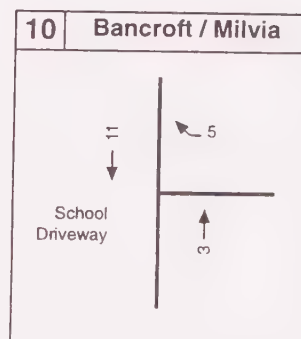
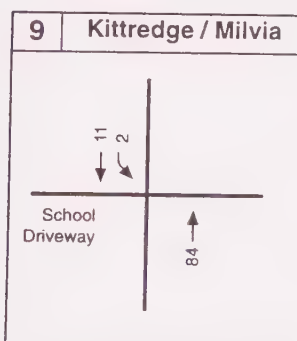
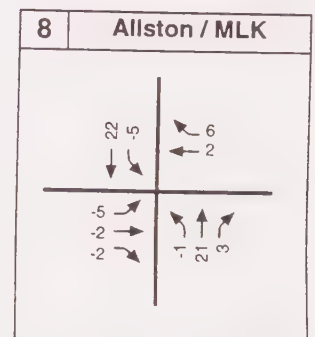
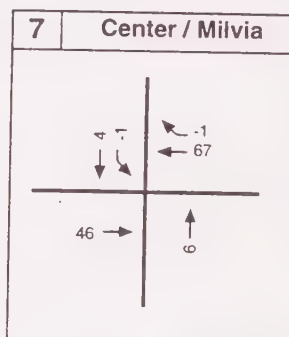
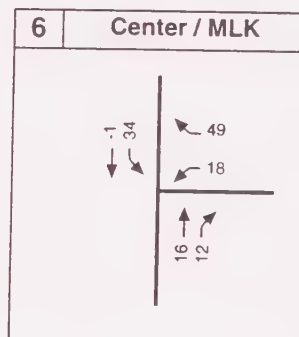
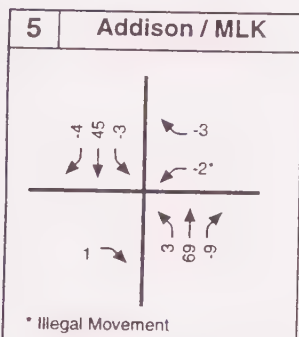
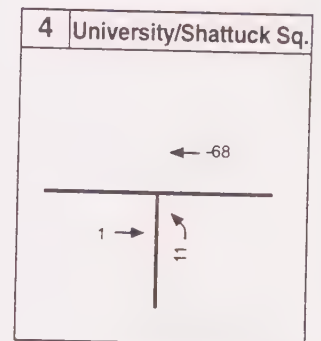
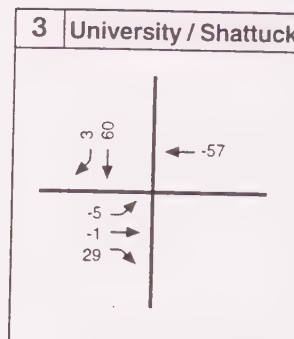
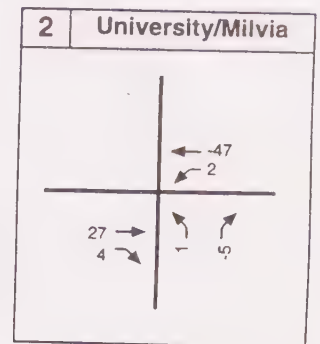
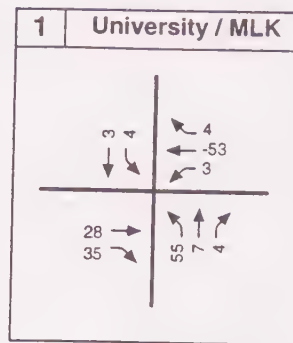


Not to Scale

SOURCE: Fehr & Peers Associates, Inc.

LOCATIONS OF CUMULATIVE DEVELOPMENT PROJECTS

FIGURE: E-10



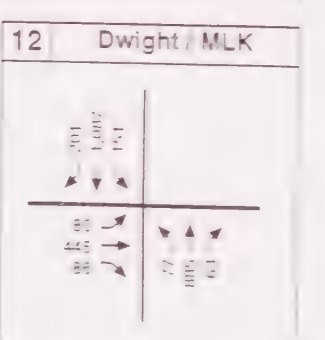
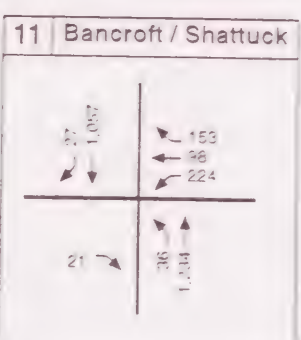
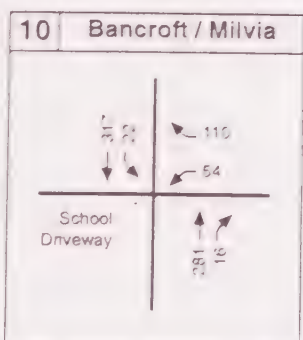
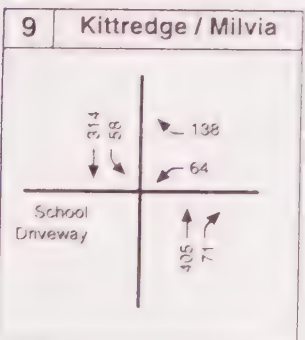
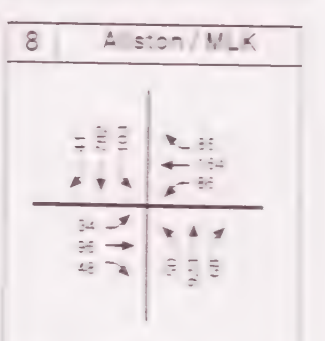
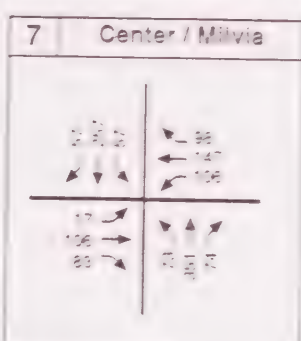
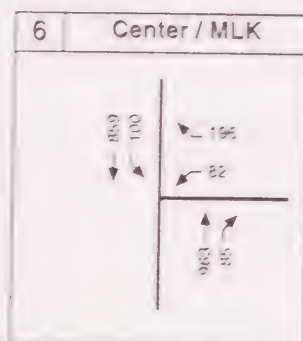
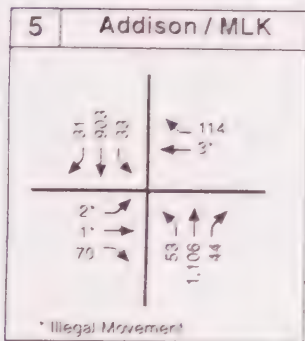
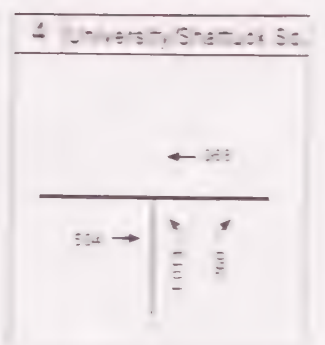
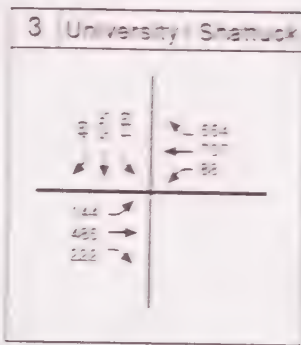
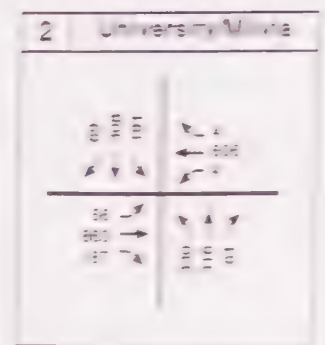
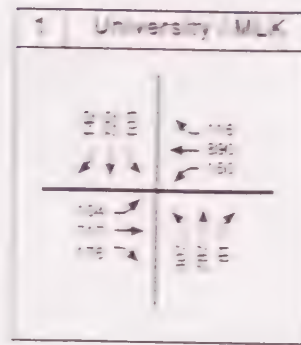
Volumes include:

1. University of California Long Range Development Plan (LRDP) projects
2. Public Safety Building and Civic Center Urban Design Plan projects
3. Other planned / proposed downtown development projects

SOURCE: Fehr & Peers Associates, Inc.

CUMULATIVE TRAFFIC GROWTH PM PEAK HOUR

FIGURE: E-11



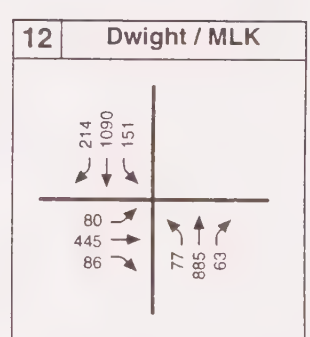
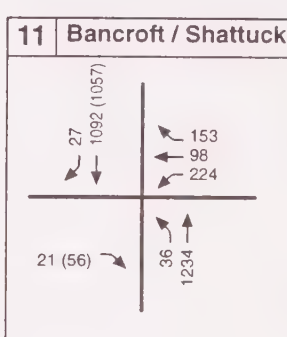
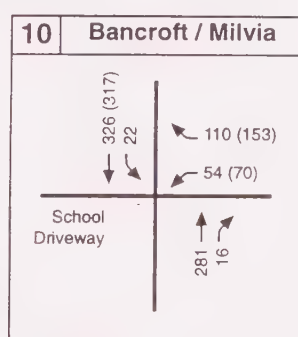
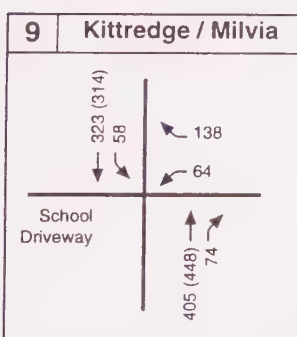
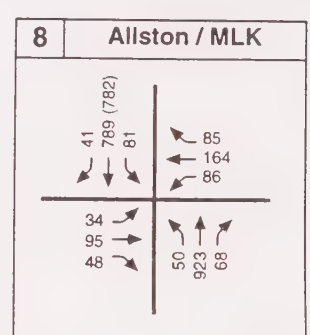
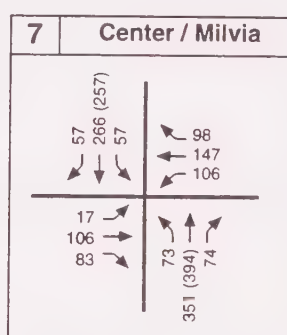
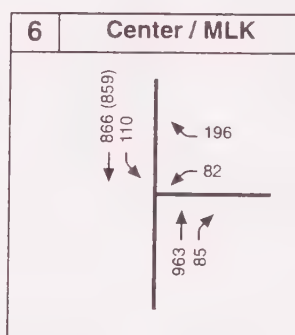
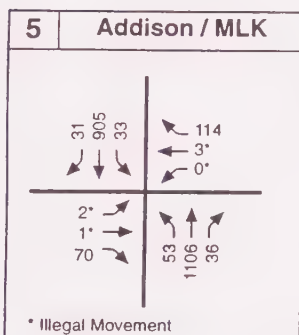
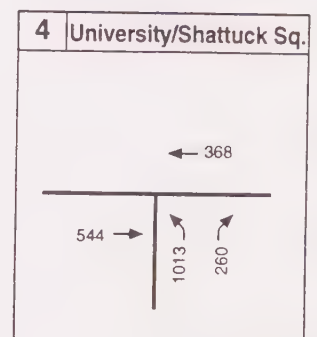
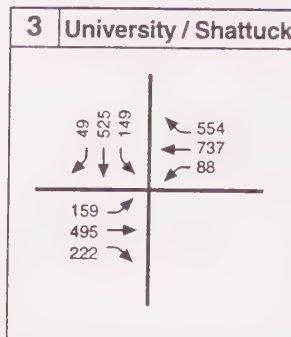
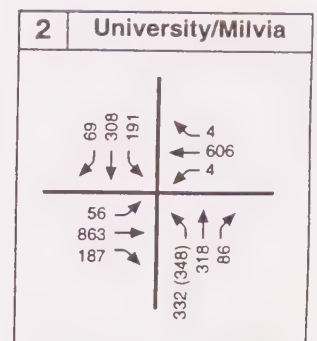
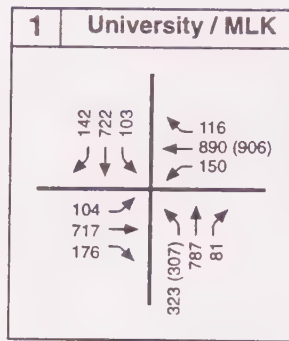
Volumes Include:

1. University of California Long Range Development Plan (LRDP) projects.
2. Public Safety Building and Civic Center Urban Design Plan projects.
3. Other planned / proposed downtown development projects.

SOURCE: Fehr & Peers Associates, Inc

EXISTING PLUS CUMULATIVE TRAFFIC VOLUMES - PM PEAK HOUR

FIGURE: E-12



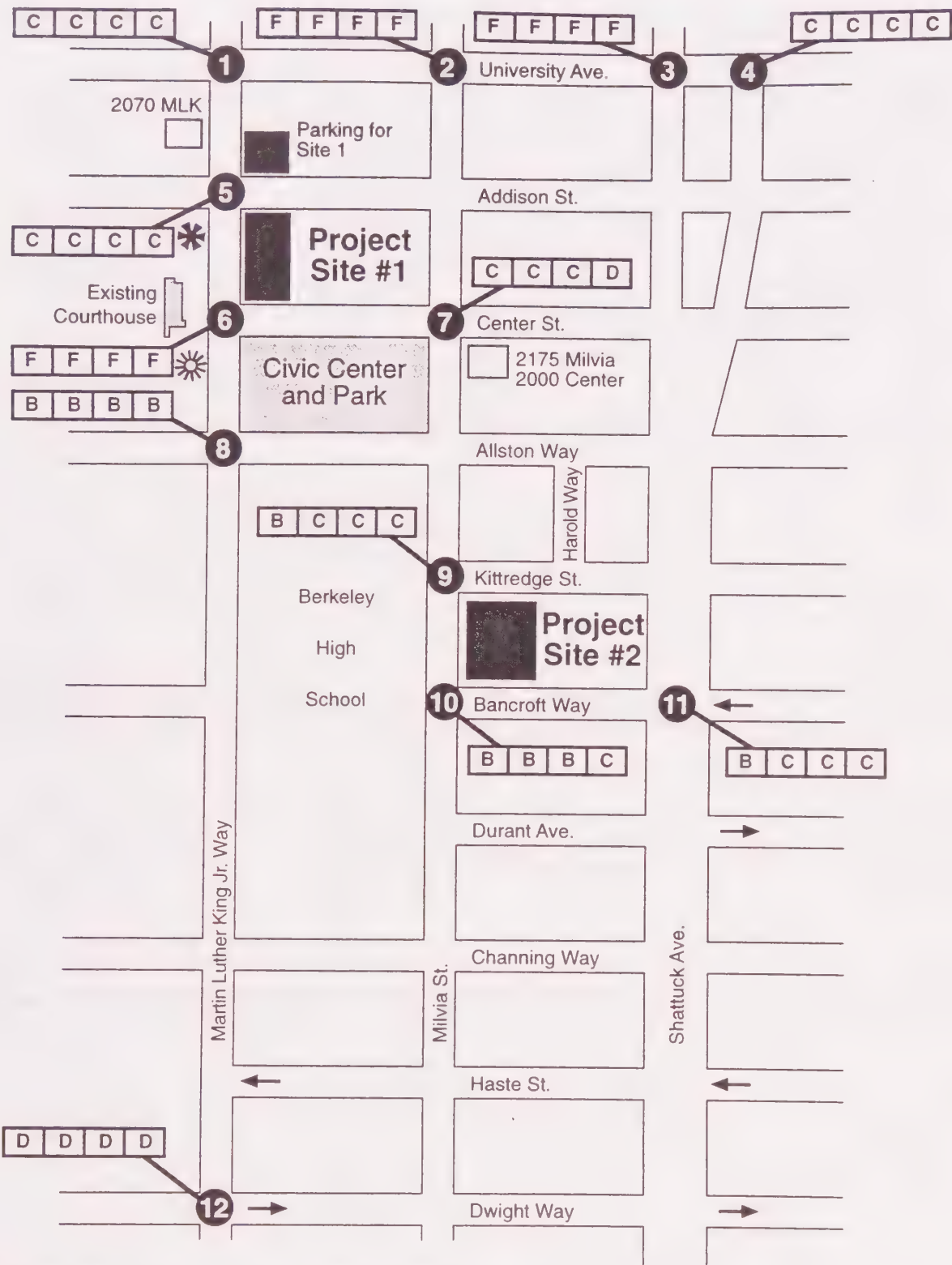
Key:
 # (#) : Site 1 Volume (Site 2 Volume)
 # : Site 1 Volume = Site 2 Volume

Volumes include existing traffic, background growth, and Project traffic.

SOURCE: Fehr & Peers Associates, Inc.

CUMULATIVE + PROJECT VOLUMES PM PEAK HOUR - SITES 1 AND 2

FIGURE: E-13



* Assumes continuation of left turn restrictions from Addison Street to MLK. If left turns were allowed and heavily used, LOS would be F.

☀ City plans to install traffic signal.

KEY:

Existing	Cumulative	Site#1	Site #2
----------	------------	--------	---------



Not to Scale

SOURCE: Fehr & Peers Associates, Inc.

LEVEL OF SERVICE (LOS) AT STUDY INTERSECTION

FIGURE: E-14

Table E-11
PLANNED DEVELOPMENT PROJECTS IN DOWNTOWN BERKELEY

Site # ¹	Address	Planned Uses	Lot Sq. Ft.	Total Sq. Ft. (incl. parking)	Above Ground FAR	Parking Spaces Added	Existing Floor Area	Floor Area Added	Above Ground Parking Area	Resid. Units Added
1	2000 Block Addison	Theater	25,847	75,000	2.9	--	25,531	49,469	--	--
2	2000 Block Addison	Retail	n/a	5,000	--	--	--	5,000	--	--
3	2161 Allston (approved)	Office/Retail	12,000	49,000	4.1	33	--	39,000	10,000	--
4	2020 Center (approved)	Office	29,000	147,400	5.1	60	9,750	116,650	21,000	--
5	2119-2147 Center	Office/Retail	65,430	261,720	4.0	90	39,765	208,455	13,500	--
6	2131 Durant (approved)	Resid./Retail	21,750	56,400	2.6	43	--	43,500	12,900	199
7	2176 Kittredge	Resid.	21,348	32,000	1.5	20	4,675	21,324	6,000	30
8	2452 Shattuck (approved)	Resid./Retail	5,800	18,000	3.1	--	--	18,000	--	24
9	2060 University	Resid./Retail	14,870	44,000	3.1	--	12,975	31,025	--	10
10*	2090 Kittredge	Library	28,678	120,000	2.4	--	50,000	70,000	--	--
11*	Addison @ MLK	Public Safety Bldg.	--	60,000	--	-104 ²	--	--	--	--
12*	2180 Milvia	City Hall addition	--	--	--	267	20,000	--	--	--
13*	City Oxford Parking Lot	Parking/Retail	50,000	130,000	2.6	409	--	10,000	--	--
Totals			274,723	998,520	3.6	818	167,697	612,423	63,400	263

Source: City of Berkeley Planning Department, 1996.

¹ See Figure E-10 for Site Map.

² Public Safety Building will provide 20 parking spaces on-site, but will require the demolition of a 124-space parking lot.

* Denotes projects which are part of the Civic Center Urban Design Plan.

Table E-12
CUMULATIVE PROJECT TRIP GENERATION

Address	Existing				Future				Net PM Peak Hour Trips
	Land Use	Size (Sq. Ft.)	PM Peak Trip Rate	PM Peak Hour Trips	Land Use	Size (Sq. Ft.)	PM Peak Trip Rate	PM Peak Hour Trips	
2000 Block Addison	Auto Repair	25,531	8.132	208	Office/ Theater/ Retail	50,000 23,000 10,000	1.78 0.21 5.1	89 5 52	-63
2161 Allston	--	--	--	--	Retail/ Office	5,000 34,000	5.1 1.78	26 61	+87
2010/2020 Center	Retail	9,750	5.1	50	Office/ Retail	116,400 10,000	1.78 5.1	207 51	+208
2119-2147 Center	Retail/ Bank	25,000 14,766	5.1 15.268	128 225	Office/ Retail	208,200 40,000	1.78 5.1	371 204	+222
2131 Durant	--	--	--	--	Retail/ Hotel	8,700 107 rm.	5.1 0.0007	44 0	+44
2176 Kittredge	Gas Station/ Car Wash	4,676	n/a	52	Resid.	30 d.u.	0.54	16	-36
2090 Kittredge	Library	50,000	0.204	10	Library/ Retail	120,000 2,000	0.204 5.1	24 10	+24
2060 University	Retail/ Resid.	2,975 36 d.u.	5.1 0.54	15 19	Retail/ Resid.	11,000 46 d.u.	5.1 0.54	56 25	+47
2425 Shattuck	--	--	--	--	Resid./ Retail	24 d.u. 300	0.54 5.1	13 2	+15
Milvia / Kittredge	Tennis Courts	--	--	--	BUSD Offices	20,000	1.78	36	+36
Oxford/ Kittredge Parking Lot	Parking	--	--	--	Parking Retail	10,000	5.1	51	+51
TOTALS	--			707	--			1,343	+636

Source: City of Berkeley Planning Department, Fehr & Peers Associates, 1996

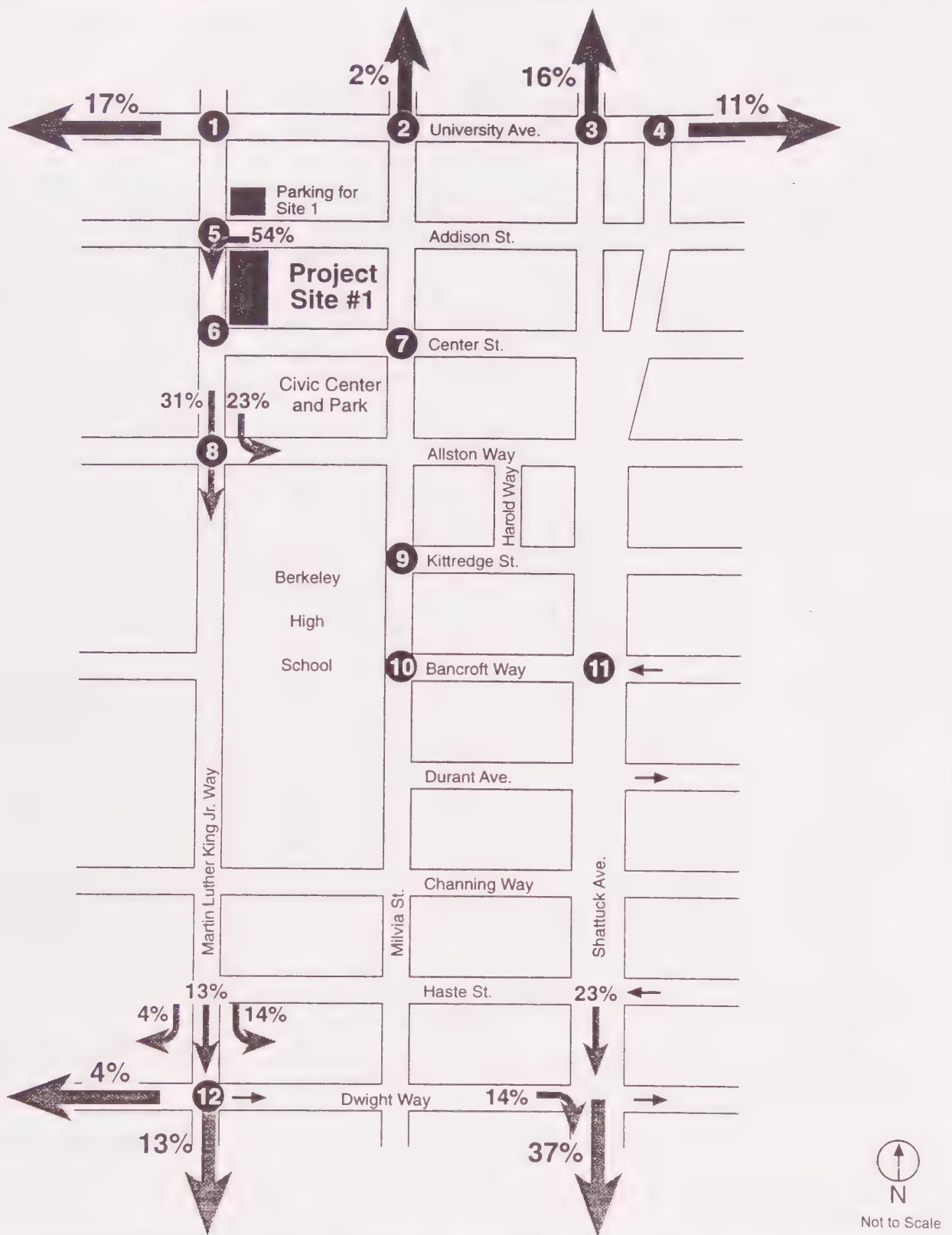
Table E-13
INTERSECTION LEVEL OF SERVICE SUMMARY
CUMULATIVE CONDITIONS
PM Peak Hour

Intersection	Control Type	Worst Movement ¹	Existing Conditions		Existing + Background (Cumulative)		Cumulative + Project @ Civic Center		Cumulative + Project @ Kittredge St.	
			Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
1 University Avenue / MLK Way	Signal	n/a	18	C	19	C	20	C	19	C
2 University Avenue / Milvia Street	Signal	n/a	* ²	F	*	F	*	F	*	F
3 University Avenue / Shattuck Avenue	Signal	n/a	*	F	*	F	*	F	*	F
4 University Avenue / Shattuck Square	Signal	n/a	18	C	18	C	18	C	18	C
5 Addison Street / MLK Way ^{3, 4}	Two-Way STOP	EB LT/TH/RT	12	C	15	C	15	C	15	C
6 Center Street / MLK Way	One-Way STOP	WB LT	*	F	*	F	*	F	*	F
7 Center Street / Milvia Street ⁴	Signal	n/a	20	C	25	C	25	C	31	D
8 Allston Way / MLK Way	Signal	n/a	11	B	11	B	11	B	11	B
9 Kittredge Street / Milvia Street	One-Way STOP	WB LT/RT	9	B	11	C	11	C	12	C
10 Bancroft Way / Milvia Street	One-Way STOP	WB LT	10	B	10	B	10	B	11	C
11 Bancroft Way / Shattuck Avenue	Signal	n/a	12	B	15	C	15	C	15	C
12 Dwight Way / MLK Way	Signal	n/a	31	D	35	D	35	D	35	D

Source: Fehr & Peers Associates, 1996.

EB = eastbound, WB = westbound, NB = northbound, SB = southbound. LT = left turn, RT = right turn, TH = through.

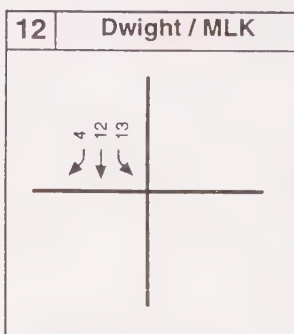
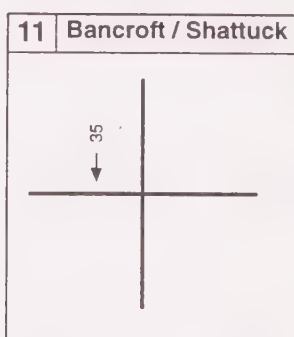
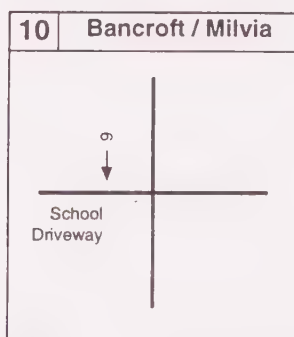
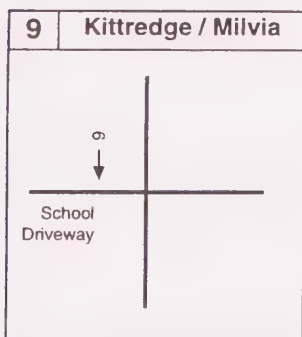
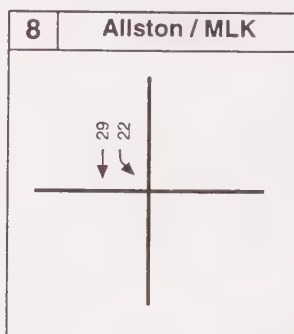
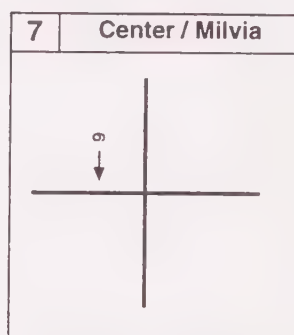
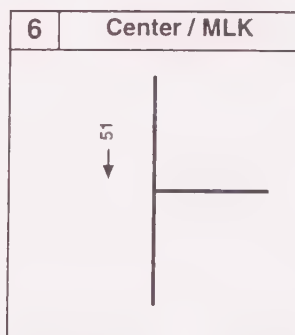
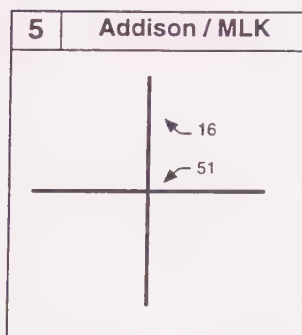
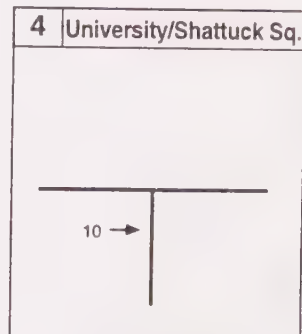
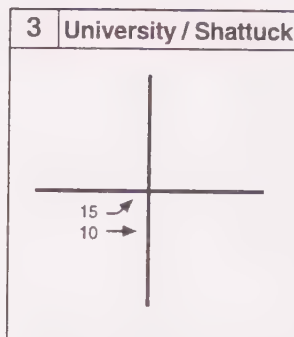
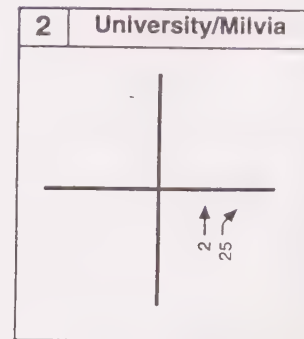
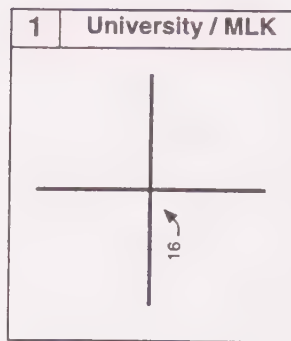
- ¹ Level of Service designations for unsignalized intersections reflects the highest delay ("worst") movement. For signalized intersections, the LOS corresponds to the average delay of all movements.
- ² * = Delay calculation exceeds 60 seconds for signalized intersections, or 45 seconds for unsignalized intersections.
- ³ LT (left-turn) and TH (through) movements are legally restricted at this intersection, but some motorists continue to make these movements. Whether or not those motorists are included in the analysis, the existing delay for the intersection is still acceptable. Future conditions with the proposed parking garage on Addison Street would require a change in this traffic control to facilitate access, avoid congestion, and reduce the potential for hazardous and illegal turning movements.
- ⁴ Shaded cells indicate a deterioration in LOS due to the project, compared to future background conditions.



SOURCE: Fehr & Peers Associates, Inc.

PROJECT TRIP DISTRIBUTION WITH ADDISON SIGNAL - (SITE 1)

FIGURE: E-15

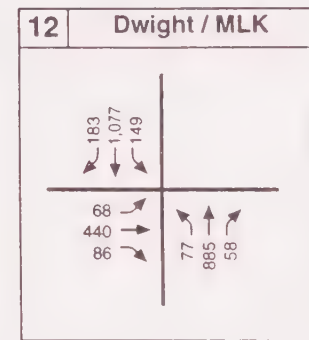
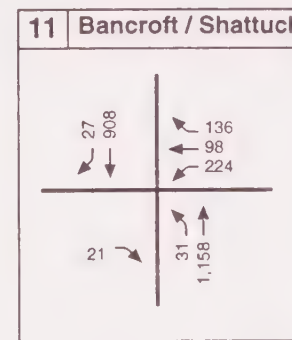
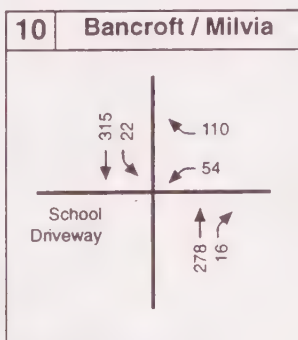
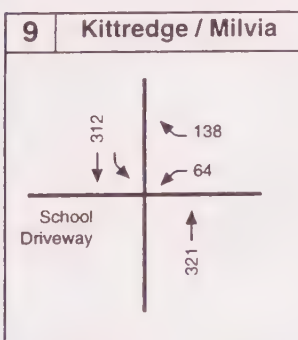
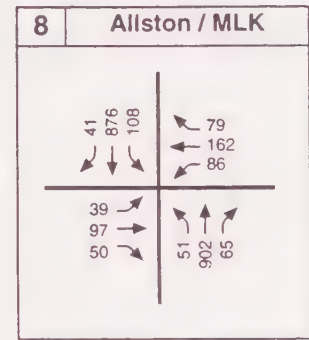
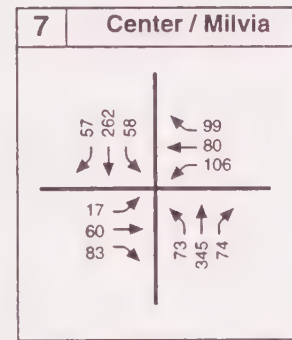
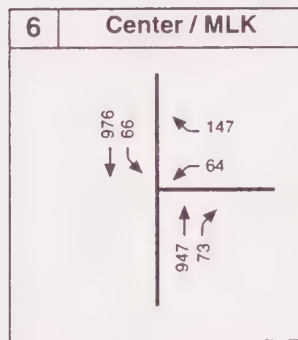
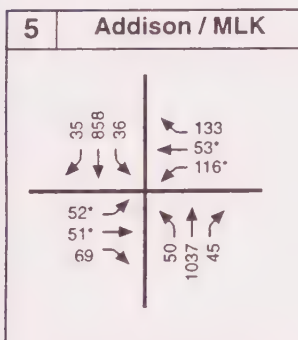
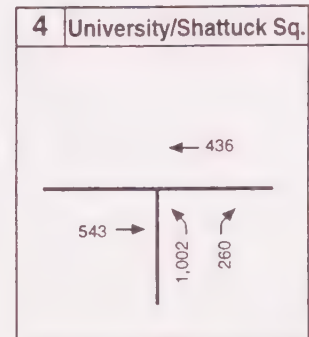
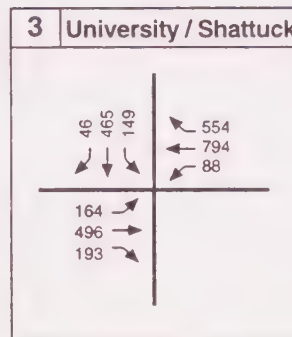
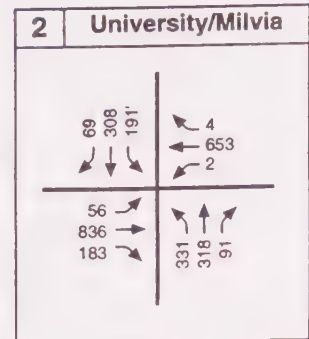
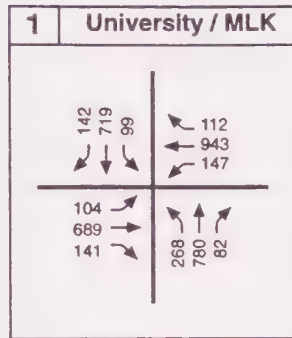
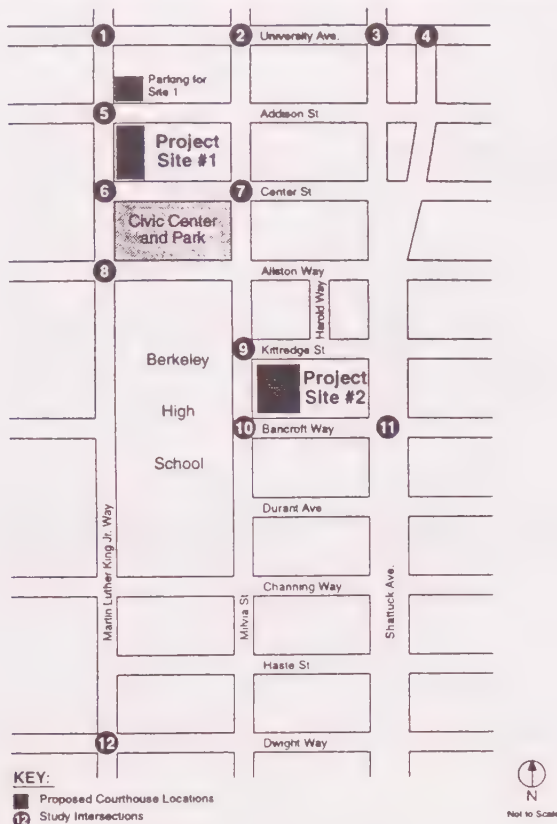


Notes: Total trip generation for new courthouse = 94 trips (all outbound).
 Site 1 Volumes shown only.

SOURCE: Fehr & Peers Associates, Inc.

PROJECT ONLY TRAFFIC VOLUMES WITH ADDISON SIGNAL

FIGURE: E-16



Notes: Site 1 Volumes shown only.

* Assumes non-project growth due to signal installation. Growth in westbound left turn is approximated as equal to existing left turn volume at Center Street (64 trips). Growth in westbound through and eastbound through and left turn is estimated at 50 trips each, the approximate average of other turning movements at the intersection.

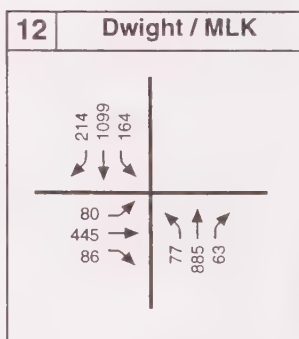
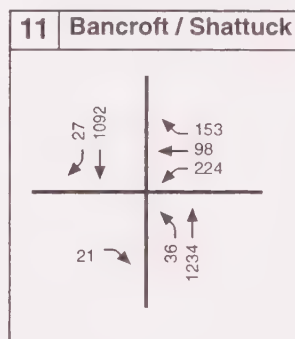
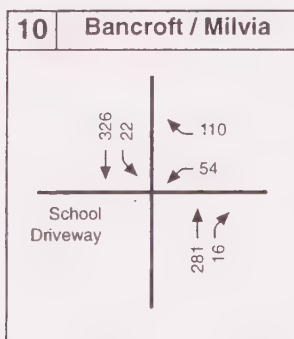
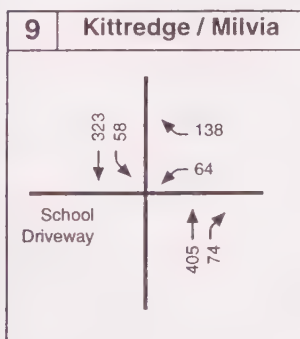
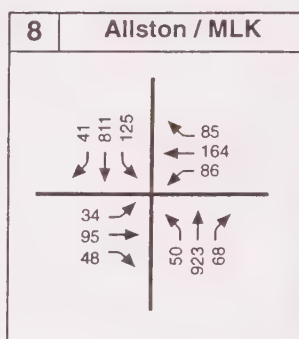
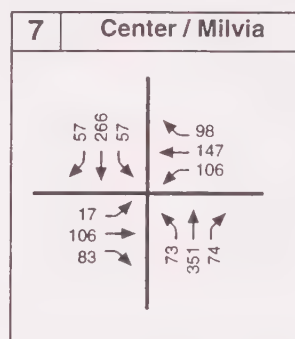
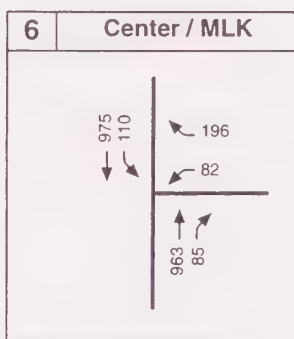
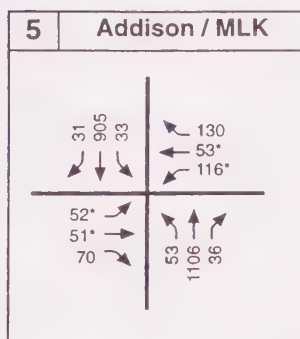
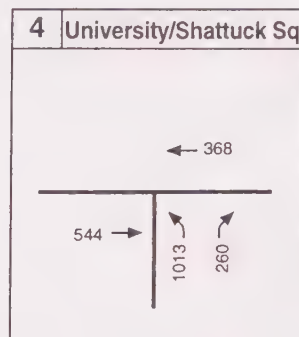
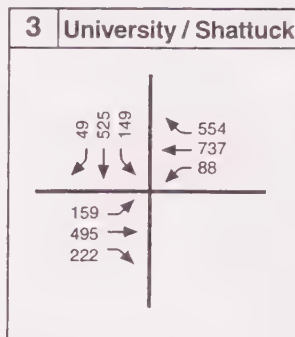
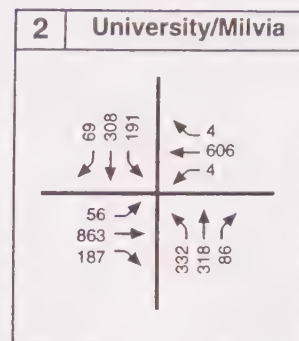
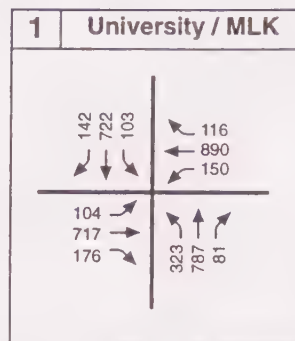
SOURCE: Fehr & Peers Associates, Inc.

EXISTING PLUS PROJECT TRAFFIC VOLUMES WITH ADDISON SIGNAL

FIGURE: E-17



KEY:
 ■ Proposed Courthouse Locations
 ● Study Intersections



Notes: Site 1 Volumes shown only.

* Assumes non-project growth due to signal installation. Growth in westbound left turn is approximated as equal to existing left turn volume at Center Street (64 trips). Growth in westbound through and eastbound through and left turn is estimated at 50 trips each, the approximate average of other turning movements at the intersection.

SOURCE: Fehr & Peers Associates, Inc.

FUTURE CUMULATIVE TRAFFIC VOLUMES WITH ADDISON SIGNAL

FIGURE: E-18



CIRCULATION DIAGRAM

FIGURE: E-19

Chapter III.F - Noise

Existing Setting

Definitions

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound could be caused by its pitch or its loudness. *Pitch* is the height or depth of a tone or sound, depending on the relative rapidity (frequency) of the vibrations by which it is produced. Higher pitched signals sound louder to humans than sounds with a lower pitch. *Loudness* is intensity of sound waves combined with the reception characteristics of the ear. Intensity may be compared with the height of an ocean wave in that it is a measure of the amplitude of the sound wave.

In addition to the concepts of pitch and loudness, there are several noise measurement scales which are used to describe noise in a particular location. A *decibel (dB)* is a unit of measurement which indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. An increase of ten decibels represents a ten-fold increase in acoustic energy, while 20 decibels is 100 times more intense, 30 decibels is 1,000 times more intense, etc. There is a relationship between the subjective noisiness or loudness of a sound and its intensity. Each 10-decibel increase in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities. Technical terms are defined in *Table F-1*.

There are several methods of characterizing sound. The most common in California is the *A weighted sound level or dBA*. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Representative outdoor and indoor noise levels in units of dBA are shown in *Table F-2*. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called L_{eq} . The most common averaging period is hourly, but L_{eq} can describe any series of noise events of arbitrary duration.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about plus or minus 1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends upon the distance the receptor is from the noise source. Close to the noise source, the models are accurate to within about plus or minus 1 to 2 dBA.

Because the sensitivity to noise increases during the evening and at night (when most persons are home and are not working, and because excessive noise interferes with the ability to sleep) 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The *Community Noise Equivalent Level, CNEL*, is a measure of the cumulative noise exposure in a community, with a five dB penalty added to evening (7:00 pm - 10:00 pm) and a ten dB addition to nocturnal (10:00 pm - 7:00 am) noise levels. The *Day-Night Average Sound Level, L_{dn}* , is essentially the same as CNEL, with the exception that the penalty for the evening time period is dropped and all occurrences during this three-hour period are grouped into the day-time period.

Table F-1
DEFINITIONS OF ACOUSTICAL TERMS

TERM	DEFINITIONS
Decibel, dB	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
Frequency, Hz	The number of complete pressure fluctuations per second above and below atmospheric pressure.
A-Weighted Sound Level, dBA	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise. All sound levels in this report are A-weighted, unless reported otherwise.
L_{01} , L_{10} , L_{50} , L_{90}	The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Equivalent Noise Level, L_{eq}	The average A-weighted noise level during the measurement period.
Community Noise Equivalent Level, CNEL	The average A-weighted noise level during a 24-hour day, obtained after addition of 5 decibels in the evening from 7:00 pm to 10:00 pm and after addition of 10 decibels to sound levels measured in the night between 10:00 pm and 7:00 am.
Day/Night Noise Level, L_{dn}	The average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 pm and 7:00 am.
L_{max} , L_{min}	The maximum and minimum A-weighted noise level during the measurement period.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

Source: Illingworth & Rodkin, Inc., 1996.

**Table F-2
REPRESENTATIVE A-WEIGHTED SOUND LEVELS**

Common Indoor Noise Environments	Noise Level (dBA)	Common Outdoor Noise Environments
Rock Band	110	
	105	Jet Flyover @ 1000 feet
Inside Subway Train	100	
	95	Gas Lawnmower @ 3 feet
Food Blender @ 3 feet	90	Diesel Truck @ 50 feet
	85	
Garbage Disposal @ 3 feet Shouting @ 3 feet	80	Noisy Urban Daytime
	75	Gas Lawnmower @ 100 feet
Vacuum Cleaner @ 10 feet	70	
Normal Speech @ 3 feet	65	Commercial Area
	60	Heavy Traffic
Large Business Office	55	
Dishwasher Next Door	50	Quiet Urban Daytime
	45	
Small Theater Conference Room (Background)	40	Quiet Urban Nighttime
	35	Quiet Suburban Nighttime
Library	30	
Bedroom @ Night Concert Hall (Background)	25	
	20	Quiet Rural Nighttime
	15	
Broadcast Recording Studio	10	
	5	
Threshold of Hearing	0	

Source: Illingworth & Rodkin, Inc., 1996.

Effects of Noise

Hearing Loss. While physical damage to the ear from an intense noise impulse is rare, a degradation of auditory acuity can occur even within a community noise environment. Hearing loss occurs mainly due to chronic exposure to excessive noise, but may be due to a single event such as an explosion. Natural hearing loss associated with aging may also be accelerated by chronic exposure to loud noise.

The Occupational Safety and Health Administration (OSHA) has a noise exposure standard which is set at the noise threshold where hearing loss may occur from long-term exposures. The maximum allowable level is 90 dBA averaged over eight hours. If the noise is above 90 dBA, the allowable exposure time is correspondingly shorter.

Sleep and Speech Interference. The thresholds for speech interference indoors are about 45 dBA if the noise is steady and above 55 dBA if the noise is fluctuating. Outdoors the thresholds are about 15 dBA higher because speech is more easily detected above the background environment in a free-field (outdoors) setting than an indoor, reverberant setting. Steady noise of sufficient intensity (above 35 dBA) and fluctuating noise levels above about 45 dBA have been shown to affect sleep. Interior residential standards for multi-family dwellings are set by the State of California at 45 dBA L_{dn} . Typically, the highest steady traffic noise level during the daytime is about equal to the L_{dn} and nighttime levels are 10 dBA lower. The standard is designed for sleep and speech protection and most jurisdictions apply the same criterion for all residential uses.

Typical structural attenuation is 12-17 dBA with open windows. With closed windows in good condition, the noise attenuation factor is around 20 dB for an older structure and 25 dB for a newer dwelling. Sleep and speech interference is therefore possible when exterior noise levels are about 57-62 dBA L_{dn} with open windows and 65-70 dBA L_{dn} if the windows are closed. Levels of 55-60 dBA are common along collector streets and secondary arterials, while 65-70 dBA is a typical value for a primary/major arterial. Levels of 75-80 dBA are normal noise levels at the first row of development outside a freeway right-of-way. In order to achieve an acceptable interior noise environment, bedrooms facing secondary roadways need to be able to have their windows closed, and those facing major roadways and freeways typically need special glass windows.

Annoyance. Attitude surveys have been used for measuring the annoyance felt in numerous communities for noises intruding into homes or affecting outdoor activity areas. In these surveys, it has been determined that the causes for annoyance include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The L_{dn} as a measure of noise has been found to provide a valid correlation of noise level and the percentage of people annoyed.

People have been asked to judge the annoyance caused by aircraft noise and ground transportation noise, and there continues to be some disagreement about the relative annoyance of these different sources. When measuring the percentage of the population highly annoyed, the threshold for ground vehicle noise is about 55 dBA L_{dn} . At an L_{dn} of about 60 dBA, approximately 2 percent of the population is highly annoyed. When the L_{dn} increases to 70 dBA, the percentage of the population highly annoyed increases to about 12 percent of the population. There is, therefore, an increase of about 1 percent per dBA between an L_{dn} of 60-70 dBA. Between L_{dn} 70 to 80 dBA, each decibel increase results in about a 2 percent increase in the percentage of the population highly annoyed.

People appear to respond more adversely to aircraft noise. When the L_{dn} is 60 dBA, approximately 10 percent of the population is believed to be highly annoyed. Each decibel increase to 70 dBA adds about 2 percentage points to the number of people highly annoyed. Above 70 dBA, each decibel increase results in about a 3 percent increase in the percentage of the population highly annoyed.

Regulations

The City of Berkeley's Noise Element of the General Plan includes the Noise and Land Use Compatibility Guidelines recommended by the State of California, Office of Noise Control, for noise and land use planning. These Guidelines establish four compatibility categories for various land uses designating the noise environment as "normally acceptable", "conditionally acceptable", "normally unacceptable", and "clearly unacceptable" with corresponding noise levels varying depending upon the sensitivity of the land use to community noise. For example, residential development is considered "normally acceptable" up to an L_{dn} of 60 dB and office buildings are considered "normally acceptable" up to an L_{dn} of 70 dB. These Guidelines will be used to evaluate the compatibility of the proposed land uses with the existing and future noise environment.

The City of Berkeley's Noise Ordinance (Chapter 13.40 of the Municipal Code) establishes noise regulations in the City of Berkeley, including the maximum allowable noise that one land use can generate that would affect a neighboring land use. New land uses within the City are subject to the requirements of the Noise Ordinance. The Ordinance also regulates the allowable hours for construction and demolition work and sets forth guidelines for maximum allowable noise levels in residential single-family, multi-family, and commercial and industrial areas. Alameda County also has adopted a Noise Ordinance and Noise Element of the General Plan which are similar to the City's. Although the County Courthouse project is not specifically subject to the City's ordinance or plan requirements, the City Noise Ordinance is used as the measure of significance in this EIR because the project is located within the City limits. Allowable construction noise levels are shown in *Table F-3*. Typical noise level ranges at construction sites are shown in *Table F-4*. Noise levels of individual pieces of construction equipment are shown in *Table F-5*.

Existing Noise Environment

The noise environment in the Berkeley Downtown / Civic Center area is dominated by vehicular traffic on the street network. People circulating on the streets and conversing also contribute to the sounds which are heard. Construction activities and commercial deliveries are heard intermittently.

Noise levels were monitored in the Civic Center area over a continuous 24-hour period at two locations, A and B, shown on *Figure F-1*. Location A was on the balcony of the Berkeley Park Apartments located across Bancroft Street from the alternative site of the Municipal Courthouse Building between Milvia Street and Shattuck Avenue. Location B was on Martin Luther King Jr. Way at Center Street, near the existing Courthouse building. Short-term noise levels were monitored at seven additional locations throughout the area in order to characterize typical daytime noise levels. The results of these measurements are shown in *Figures F-2 and F-3*, and in *Table F-6*. It can be seen that average roadside noise levels typically range from 60 to 65 dBA during the daytime and 50 to 60 dBA during the nighttime.

The Berkeley General Plan Update estimates existing CNEL levels along several major streets in the Civic Center area, including: Allston Way @ 62 dBA; Milvia Street @ 64-66 dBA; Shattuck Avenue @ 69 dBA; and University Avenue @ 70-72 dBA.

Table F-3
ALLOWABLE CONSTRUCTION NOISE LEVELS

Hours	R-1, R-2 Residential		R-3 and Above Multi-Family Residential		Commercial/Industrial	
	Mobile Equipment	Stationary Equipment	Mobile Equipment	Stationary Equipment	Mobile Equipment	Stationary Equipment
Daily 7am-7pm	75 dBA	60 dBA	80 dBA	65 dBA	85 dBA	70 dBA
Weekends 9am-8pm & legal holidays	60 dBA	50 dBA	65 dBA	55 dBA	70 dBA	60 dBA
Notes: Mobile Equipment: maximum sound levels for nonscheduled, intermittent, short-term operation (less than 10 days) of mobile equipment. Stationary Equipment: maximum sound levels for repetitively scheduled and relatively long-term operation (periods of 10 days or more) or stationary equipment.						

Source: City of Berkeley Noise Ordinance.

Table F-4
TYPICAL RANGES OF ENERGY EQUIVALENT NOISE LEVELS,
 L_{eq} IN dBA, AT CONSTRUCTION SITES

	Domestic Housing		Office Building, Hotel, Hospital, School, Public Works		Industrial, Parking Garage, Religious, Amusement & Recreations, Store, Service Station		Public Works Roads & Highways, Sewers, and Trenches	
	I	II	I	II	I	II	I	II
Ground Clearing	83	83	84	84	84	83	84	84
Excavation	88	75	89	79	89	71	88	78
Foundations	81	81	78	78	77	77	88	88
Erection	81	65	87	75	84	72	79	78
Finishing	88	72	89	75	89	74	84	84
I - All pertinent equipment present at site. II - Minimum required equipment present at site.								

Source: U.S.E.P.A., Legal Compilation on Noise, Vol. 1, p. 2-104, 1973; Illingworth & Rodkin, Inc.

Table F-5
TYPICAL CONSTRUCTION EQUIPMENT NOISE LEVEL RANGE

A-Weighted Noise Level (dB) at 50 feet from Source							
Sound Level (dB)	60	70	80	90	100		
Earth Moving							
Compactors (rollers)							
Front Loaders							
Backhoes							
Bulldozers							
Scrapers, Graders							
Pavers							
Trucks							
Materials Handling							
Concrete Mixers							
Concrete Pumps							
Cranes (movable)							
Cranes (derrick)							
Stationary Equipment							
Pumps							
Generators							
Compressors							
Impact Equipment							
Pneumatic Wrenches							
Jackhammers and Drills							
Pile Drivers (peak)							
Other							
Vibrators							
Saws							

Source: Illingworth & Rodkin, Inc., from Handbook of Noise Control, Cyril M. Harris, 1979.



LEGEND

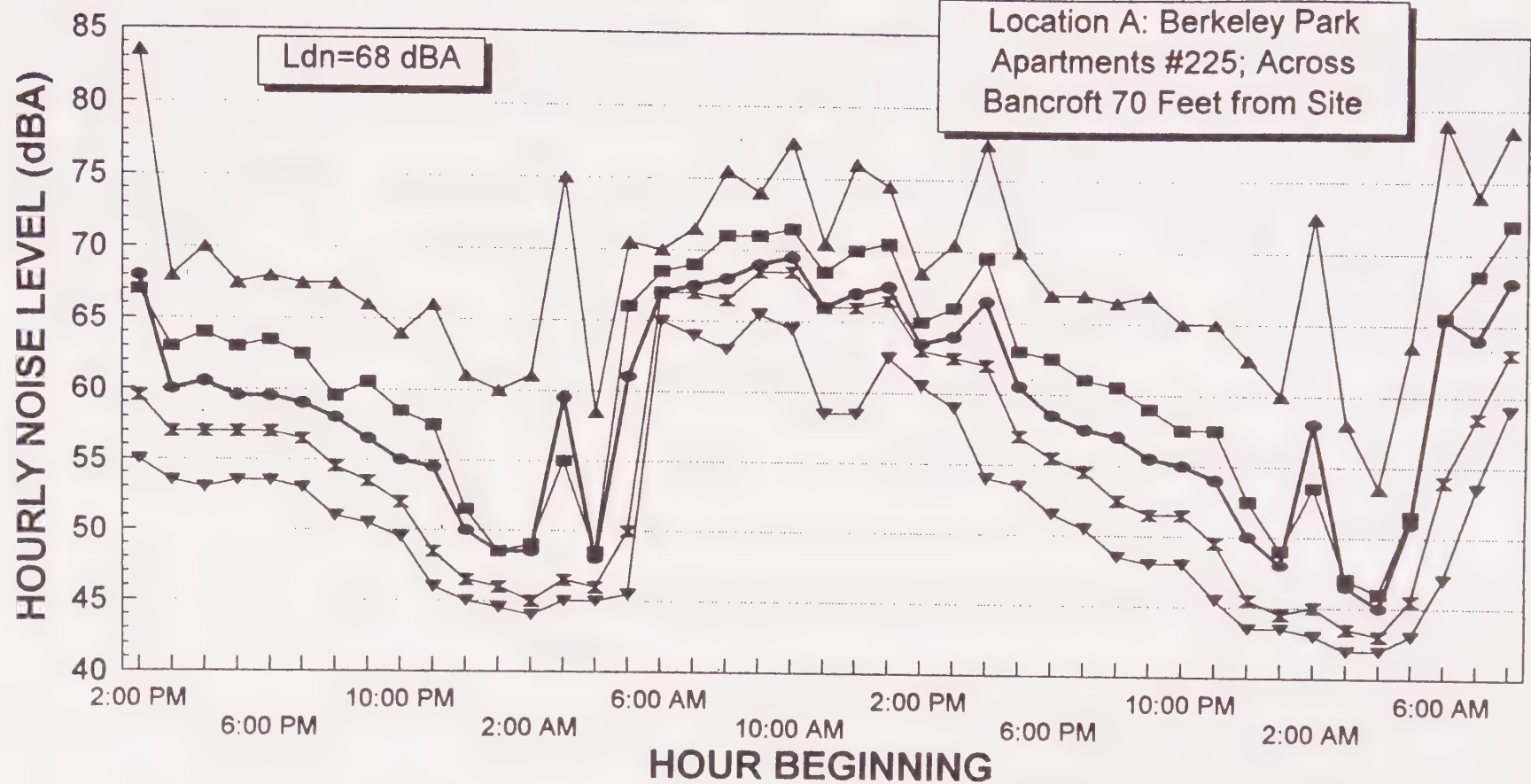
A/B = 24 -Hour Measurement Locations
 1-7 = Short-term Measurement Locations

SOURCE: Illingworth and Rodkin, Inc.

FIGURE: F-1

NOISE MEASUREMENT LOCATIONS





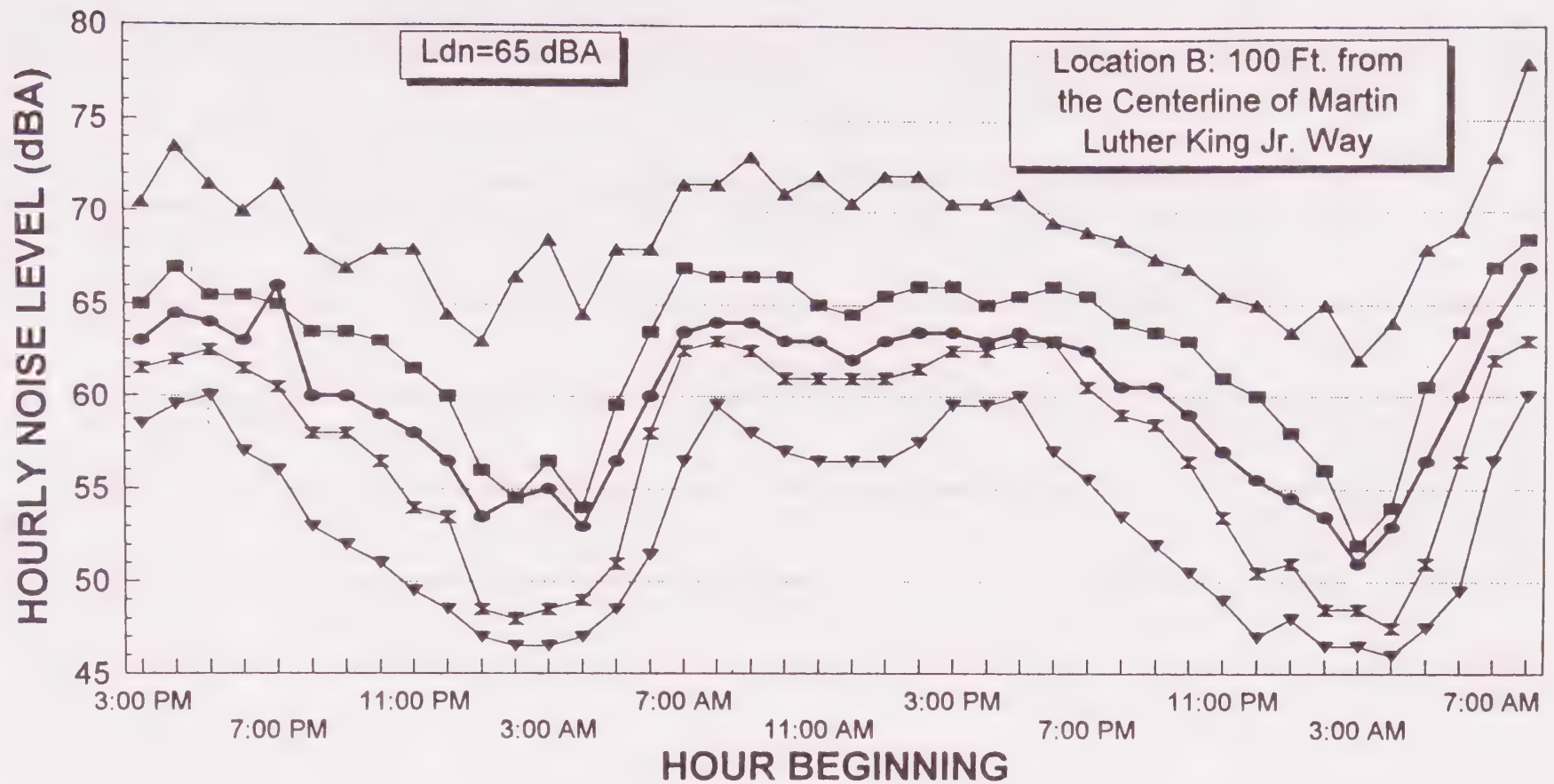
Start Date:
Mon 6/5/95

—●— Leq —▲— L01 —■— L10 —×— L50 —▼— L90

SOURCE: Illingworth & Rodkin, Inc.

NOISE LEVEL AT LOCATION A

FIGURE: F-2



SOURCE: Illingworth & Rodkin, Inc.

NOISE LEVEL AT LOCATION B

FIGURE: F-3

**Table F-6
SHORT-TERM NOISE MEASUREMENT RESULTS**

Location	Description	Date	Start Time	Duration (min.)	Leq	L01	L10	L50	L90	Comments
A (outside)	35 feet to Bancroft Way centerline at Berkeley park apartments, unit #225.	5/31/95	1:30 PM	5	63	72	66	62	58	Traffic noise.
A (inside)		5/31/95	1:40 PM	5	39	48	41	38	36	Insulated from outdoors by closed windows and doors.
1	On Kittredge Street outside Armstrong College (SW corner) at Post Office	5/31/95	2:50 PM	15	64	74	67	62	58	Students leaving high school; traffic noise steady; typical daytime ambient.
2	100 feet to Kittredge Street centerline at west facade of Library	5/31/95	3:10 PM	15	57	64	59	46	54	Traffic noise.
3	30 feet to Milvia Street centerline at Berkeley High School property line	6/2/95	10:40 AM	15	63	71	66	61	55	Milvia traffic noise.
4	10 feet to edge of McKinley Avenue adjacent to Police Station	7/3/95	11:00 AM	15	52	61	57	49	45	Distant traffic on Addison Street and birds are the major noise sources; very little traffic on McKinley Avenue.
5	10 feet to edge of Addison Street adjacent to Institute of Buddhist Studies	7/3/95	11:42 AM	15	62	73	65	56	53	Distant traffic from Martin Luther King Jr. Way is major noise source (about 200 feet away); very little traffic on Addison Street.
6	10 feet to edge of Center Street at Veteran's Memorial Building (about 300 feet to MLK Way)	7/3/95	12:30 PM	15	61	74	63	57	52	Distant traffic on Martin Luther King Jr. Way and park activity at about 53 dBA are the major noise sources; traffic light on Center Street.
7	5 feet to Center Street at 1947 Center Street (about 200 feet to Milvia Street)	7/3/95	12:50 PM	15	61	71	63	57	54	Distant traffic on Milvia Street is the major noise source.

Source: Illingworth & Rodkin, Inc., 1996.

Impacts and Mitigation Measures

Criteria of Significance

For the purpose of this EIR, the proposed project would result in a significant impact if it would:

- Conflict with adopted noise element and noise ordinance standards for land use compatibility;
- Increase substantially the ambient noise level at sensitive receptors in the area (i.e., noise levels would increase by 3 dBA at locations which are already above or would be increased above the “normally acceptable” range, or increase by 5 dBA at locations which are and would remain below the “normally acceptable” threshold);
- Expose people to severe noise levels (i.e. above 90 dB); or
- Generate noise levels during demolition or construction that exceed the allowable noise levels set forth in the City of Berkeley Noise Ordinance (for reference purposes).

Effects of Existing Noise Environment on the Proposed Project

Impact F-1: The project would be located in an area exposed to an L_{dn} of about 65-68 dBA, which would be compatible with the proposed courthouse land use. (LS)

The Berkeley Courthouse will require certain internal noise environments in order to adequately function as a facility in which testimony is given, legal arguments are heard, and important decisions about individual and societal matters are made. As such, the courthouse has certain design parameters established for interior/exterior noise insulation, public/private noise insulation, mechanical equipment noise levels, and so forth.

Project Site 1 (Civic Center Site) for the proposed Berkeley Courthouse project is located at the intersection of Martin Luther King Jr. Way and Center Street. Noise levels were monitored over a continuous 24-hour period and the measured L_{dn} was 65 dBA. The noise environment is compatible with the proposed Courthouse use. Certain measures which are standard for such a project, including a forced air ventilation system so that windows in sensitive rooms may be kept closed, are assumed in the analysis. There are no unusual noise sources known to exist in the area which would have an adverse effect on the building.

Project Site 2 (Hink’s Garage Site) is across from Berkeley High School on Milvia Street between Kittredge Street and Bancroft Way. Long- and short-term noise measurements in the area indicate that the L_{dn} at the various facades of the new Courthouse building would range from 65-68 dBA. Noise levels at this site would also be compatible with the proposed building, assuming standard construction techniques described above. No unusual sources of noise are known to exist in the area which would affect the building.

Mitigation Measure F-1: None required.

Traffic Noise

Impact F-2: Traffic resulting from the project would cause an increase in noise levels of less than 1 dBA at roadways adjacent to the project sites. (LS)

Project-generated and cumulative traffic noise level increases were evaluated as a part of this project and during preparation of the Civic Center Urban Design Plan EIR for the City of Berkeley. It was determined that the area is largely built out and street traffic would not change sufficiently enough to cause noise levels to noticeably change. Based on the significance criteria outlined above and taking into account existing ambient

noise levels, a noise level increase of less than 1 dBA is not substantial and would not result in a significant noise impact on the general environment in the Civic Center and downtown. This finding is consistent with the City of Berkeley's Downtown Plan EIR.

Mitigation Measure F-2: None required.

On-Site Activity

Impact F-3: Noise due to activity within the sallyport and parking garage areas could result in a significant impact on adjacent land uses, including the 20-unit apartment building on Addison Street, and the historical museum, homeless shelter and meeting rooms at the Veterans Memorial Building. (S)

The preliminary site plan for development at the preferred Project site shows an entrance on Addison Street to a sally port, secure parking area, and parking garage. These vehicular activity areas would be adjacent to a 20-unit apartment building located on Addison Street, and the Veteran's Memorial Building on Center Street. The Veteran's Building houses the Berkeley Historical Society Museum, homeless shelter, and meeting rooms. The arrival and departure of vehicles and the transfer of prisoners via the alley way and sally port may be a source of disturbance to the adjacent apartment residents and other land uses. It is difficult to quantify the noise levels that may occur but they are likely to include the noise of buses starting and stopping their engines, gates and doors opening and closing, and voices of prisoners and guards.

Mitigation Measure F-3a: (Civic Center Site) A solid masonry or concrete wall could be constructed along the common property boundary between the project site and the adjacent apartment building and Veteran's Memorial building. The wall could be sufficiently high to block the line-of-sight from activities in the driveway and sally port to the second-story windows. Although a precise design of the soundwall is not possible until the project is further refined, it is likely that a soundwall approximately 10 feet high would be necessary in order to mitigate the noise.

The proposed sound wall is likely to be necessary for security reasons, as well. Final design will be determined in consultation with adjacent property owners.

Activity within the proposed parking garage could add substantially to the noise levels of adjacent land uses because the structure would be built to the property line, and vehicles would circulate in the garage throughout the day and possibly in the evening if the garage is made available to the general public. The noise from the parking garage could also carry over to the residential area west of MLK Way and across Addison Street. Although the noise level would not be excessive, the new sound character of vehicles circulating within the garage would be noticeable to some residents in close proximity to the site.

Mitigation Measure F-3b: (Civic Center Site) The proposed parking garage at the Civic Center Site could be constructed with a solid masonry or concrete wall along the internal property lines adjacent to the office building on Addison Street and retail/apartment building on University Avenue/MLK Way.

Mitigation Measure F-3c: (Both Sites) The exterior facade facing the street could be designed with specific consideration to shield residential areas from the sound of vehicle tires and engines circulating through the garage. This could include minimizing the size of wall openings, constructing a low wall around each floor level, and providing baffling within the structure to reduce echo effects.

Demolition and Construction

Impact F-4: Noise generated during demolition and construction would substantially increase noise levels and exceed Berkeley Noise Ordinance limits at adjacent sensitive receptors. (SU)

Civic Center Site. Noise sensitive receptors adjacent to the preferred project site include the 20-unit apartment building on Addison Street adjacent to the east property boundary, residents of the homeless shelter and users of the Historical Society museum in the Veterans' Memorial Building on Center Street to the east of the site, residents on Addison Street west of Martin Luther King Jr. Way, the existing Courthouse across Martin Luther King Jr. Way from the project site, the new City of Berkeley Public Safety Building, and users of Civic Center Park. Other sensitive receptors which would be affected by demolition and construction of the proposed parking garage on the north side of Addison Street include retail businesses, offices, and apartments located north and east of the site.

The new Public Safety Building would be particularly affected by demolition activity at the existing courthouse site if it is constructed and occupied prior to the new courthouse facility, because of the close proximity of the two structures. The County has identified a reciprocal significant impact to the operations of the existing courthouse due to construction of the Public Safety Building. The City and County will be negotiating appropriate mitigation measures for these impacts as part of on-going discussions.

The highest noise levels would be generated during demolition, excavation and foundation work, and during erection of the new building's structure. These activities involve the use of heavy construction equipment. While not currently anticipated, it is possible that building foundation work may require piledriving. Noise levels generated by the use of heavy-duty construction equipment, such as excavation and earthmoving equipment and demolition equipment, range from 75-90 dBA at a distance of 50 feet. The use of an impact piledriver typically generates noise levels of up to 105 dBA at a distance of 50 feet.

Average hourly noise levels for various construction activities are shown in *Table F-4*, above. Typical noise levels from individual pieces of construction equipment are shown in *Table F-5*. Noise would tend to be reduced following the foundation, frame and enclosure work, due to the mitigating effect of the new structural walls.

Those land uses immediately adjacent to the demolition and construction sites would experience noise levels equal to or in excess of those shown in the tables. Such noise levels would substantially exceed the maximum allowable construction noise levels set forth in the City of Berkeley's Noise Ordinance. Construction noise at other buildings located approximately 50-100 feet from the center of the construction activities would also be expected to exceed the maximum allowable noise level and could experience disturbance outside and inside of these buildings. Although construction noise impacts would be intermittent and would terminate with the end of construction, such impacts would be considered significant and unavoidable for the short-term.

It should be noted that the Alameda County Noise Ordinance is nearly identical to the City Noise Ordinance, but exempts construction activity from its nuisance provisions if activity is limited to between the hours of 7 AM and 7 PM on weekdays, and between 8 AM and 5 PM on weekends.

Hink's Garage Site. Noise sensitive receptors in the vicinity of the alternative project site include the apartment building located directly across Bancroft Way from the site, the Public Library and UA Theater located immediately east of the site, Armstrong College and the Post Office located across Kittredge Street from the project site, and the Berkeley High School campus located across Milvia Street to the west of the site.

Discussion above regarding demolition and construction activities is also applicable to the alternative site. The existing parking garage and other structures on the site would be demolished, followed by excavation, foundation, and building erection phases. Special problems exist because of the close proximity of the public library and Armstrong College due to the operable windows facing the site and quiet use. The UA Theater has a solid wall between the site and the theaters, and operates primarily in the evening hours, so noise is not expected to be a significant consideration for this use. Sound insulation at the apartments across the street was measured, and it appears that keeping windows closed is an adequate mitigation for most conditions.

Mitigation Measure F-4. A detailed noise attenuation plan should be adopted prior to undertaking demolition and construction activity. Measures could include one or more of the following:

- To the extent possible, schedule heavy demolition and construction work to coincide with the summer months when student populations and other activities tend to be lower; limit activity to the hours of 7 AM to 7 PM on weekdays only (excluding holidays), and the hours of 8 AM to 5 PM on holidays and weekends, and only if necessary to maintain the construction schedule.
- Erect an 8-foot high plywood wall around the entire construction site of the new courthouse building and parking garage to shield pedestrians, ground floor land uses, and the park from noise and to enclose the area where compressors, pumps, and engines would be located.
- Include special building sound insulation for sensitive receptors such as the Addison Street apartment building, Historical Museum, Public Safety Building, and offices near the proposed project site, and for the Public Library and Armstrong College near the alternative site. The most feasible treatment may be to erect a solid plywood barrier along the facade of the apartment building from the ground to the roof, or to shield windows with coverings, or to cover building facades with sound blankets. The details of any mitigation treatment would be subject to coordination and negotiation with the adjacent property owners.
- Muffle and properly maintain all construction equipment. "Quiet package" equipment, e.g. compressors and generators, should be used to the greatest extent possible.
- Locate stationary noise-generating construction equipment as far as possible from the nearby residences and adjacent commercial buildings and shielded where possible with temporary plywood barriers.
- Additional special considerations may be required if piledriving is required. Piledriving should be coordinated with the adjacent sensitive receptors, including residences, the existing Courthouse, and commercial buildings, to determine the times of day when piledriving would have the least impact. Piledriving noise should also be minimized by pre-drilling holes to minimize the number of blows.
- Designate a "noise disturbance coordinator" who would be responsible for responding to any complaints regarding construction noise. The coordinator would determine the cause of complaints and would coordinate with the construction team to implement reasonable measures warranted to correct the problem. The telephone number of the noise disturbance coordinator could be posted at the construction site and could be provided to neighbors in a notification letter.

Even after implementation of these measures, short-term noise impacts during demolition and construction are likely to be significant and unavoidable.

Chapter III.G - Air Quality

Existing Setting

Air Basin Climatology

The climate of Berkeley is dominated by its location on the east shore of San Francisco Bay. The dominance of sea breezes during the spring and summer months results in a mild, relatively cool climate. Low clouds and fog also are common in spring and summer. The prevailing wind direction at Berkeley is from the west, reflecting the direction to the Golden Gate. Winds speeds are moderate, averaging about 7.3 miles per hour annually. Calm conditions occur about 28% of the time annually.¹

The pollution potential of Berkeley is relatively low compared to other portions of the Bay Area. Ventilation is relatively good, and there is little transport of pollutants into Berkeley from upwind urban areas. However, during periods of light or calm winds (typically occurring in the fall and winter months), the entire air basin is subject to periods of poor air quality.

Pollutant Characteristics and Air Quality Standards

The U. S. Environmental Protection Agency and the California Air Resources Board have established ambient air quality standards for common pollutants. These ambient air quality standards establish levels of contaminants which represent safe levels that avoid specific adverse health effects associated with each pollutant. The ambient air quality standards cover what are called "criteria" pollutants because the health and other effects of each pollutant are described in criteria documents. *Table G-1* identifies the major criteria pollutants, characteristics, health effects and typical sources.

The federal and State ambient air quality standards are summarized in *Table G-2* for important pollutants. The ambient standards were developed independently with differing purposes and methods, although both processes were aimed at avoiding health-related effects. As a result, the federal and State standards differ in some cases. In general, the California state standards are more stringent. This is particularly true for ozone and PM-10.

The U.S. Environmental Protection Agency has proposed revisions to the federal standards for ozone and particulate matter. It is proposed that the current 1-hour ozone standard be replaced by a new, lower 8-hour standard. The U.S.E.P.A. also is proposing to add a 24-hour and annual standard for particulate matter less than 2.5 microns in diameter (PM_{2.5}). The Agency is soliciting comments on these proposed new standards and alternatives, with the final rules expected to be issued by June of 1997.

¹ California Department of Water Resources, Wind in California, Bulletin 185, 1978.

**Table G-1
DESCRIPTION OF CRITERIA POLLUTANTS**

Pollutant	Characteristics	Health Effects	Major Sources
Ozone	A highly reactive photochemical pollutant; created by the action of sunshine on ozone precursors (primarily reactive hydrocarbons and oxides of nitrogen). Often called photochemical smog.	Eye Irritation Respiratory function impairment.	Combustion sources such as factories and automobiles, evaporation of solvents and fuels.
Carbon Monoxide	Odorless, colorless gas that is highly toxic; formed by the incomplete combustion of fuels.	Impairment of oxygen transport in the bloodstream. Aggravation of cardiovascular disease. Fatigue, headache, confusion, dizziness. Can be fatal in the case of very high concentrations.	Automobile exhaust, combustion of fuels, combustion of wood in woodstoves and fireplaces.
Nitrogen Dioxide	Reddish-brown gas that discolors the air; formed during combustion.	Increased risk of acute and chronic respiratory disease.	Automobile and diesel truck exhaust, industrial processes, fossil-fueled power plants.
Sulfur Dioxide	Sulfur dioxide is a colorless gas with a pungent, irritating odor.	Aggravation of chronic obstruction lung disease. Increased risk of acute and chronic respiratory disease.	Diesel vehicle exhaust, oil-powered power plants, industrial processes.
PM-10	Solid and liquid particles of dust, soot, aerosols and other matter which are small enough to remain suspended in the air for a long period of time.	Aggravation of chronic disease and heart/lung disease symptoms.	Combustion, automobiles, field burning, factories and unpaved roads. Also a result of photochemical processes.

Source: Donald Ballanti, Certified Consulting Meteorologist, 1996.

**Table G-2
FEDERAL AND STATE AMBIENT AIR QUALITY STANDARDS**

Pollutant	Averaging Time	Federal Primary Standard	State Standard
Ozone	1-Hour	0.12 PPM	0.09 PPM
Carbon Monoxide	8-Hour	9.0 PPM	9.0 PPM
	1-Hour	35.0 PPM	20.0 PPM
Nitrogen Dioxide	Annual	0.05 PPM	--
	1-Hour	--	0.25 PPM
Sulfur Dioxide	Annual	0.03 PPM	--
	24-Hour	0.14 PPM	0.05 PPM
	1-Hour	--	0.5 PPM
PM-10	Annual	50 $\mu\text{g}/\text{m}^3$	30 $\mu\text{g}/\text{m}^3$
	24-Hour	150 $\mu\text{g}/\text{m}^3$	50 $\mu\text{g}/\text{m}^3$
Lead	30-Day Avg.	--	1.5 $\mu\text{g}/\text{m}^3$
	Month Avg.	1.5 $\mu\text{g}/\text{m}^3$	--

PPM = Parts per Million

 $\mu\text{g}/\text{m}^3$ = Micrograms per Cubic Meter

Source: Donald Ballanti, Certified Consulting Meteorologist, 1996.

Current Air Quality

The Bay Area Air Quality Management District (BAAQMD) operates a network of permanent monitoring sites throughout the Bay Area. The location closest to the project site is located in downtown Oakland on Alice Street, about 4 miles south of the project site. Another monitoring site is located about 7 miles north of the project site in Richmond. *Table G-3* summarizes air quality data from these monitoring sites during the period 1991-1995, including the number of days that the State or federal standard was exceeded for five major pollutants. Ambient air quality standards are met in the project area with the exception of the State standards for ozone and PM-10.

Sensitive Receptors

The Bay Area Air Quality Management District defines sensitive receptors as those facilities most likely to be used by the elderly, children, infirm, or persons with particular sensitivity to air pollutants. Sensitive receptors that would remain near the Civic Center site and could be affected by demolition, construction, and operations include an apartment building east of the site fronting Addison Street, apartments in a mixed-use building located at the southeast corner of University Avenue and Martin Luther King Jr. Way, residences along the north side of Addison Street west of Martin Luther King Jr. Way and along McKinley Street, the Civic Center Park, Berkeley High School, and the mens shelter housed in the basement of the Veterans Memorial Building. Sensitive receptors that would remain near the Hink's Garage site include Berkeley High School across Milvia Street, the Berkeley Public Library immediately east of the site, and apartments south of the site across Bancroft Way.

Table G-3
AIR QUALITY DATA FOR OAKLAND AND RICHMOND, 1991-1995

Pollutant / Standard	Monitoring Site	Number of Days in Violation, by year				
		1991	1992	1993	1994	1995
Ozone Federal 1-Hour	Oakland	0	0	0	0	0
	Richmond	0	0	0	0	0
Ozone State 1-Hour	Oakland	0	0	1	0	0
	Richmond	0	0	2	0	0
Carbon Monoxide State / Federal 8-Hour	Oakland	0	0	0	0	0
	Richmond	0	0	0	0	0
Nitrogen Dioxide State 1-Hour	Richmond	0	0	0	0	0
Sulfur Dioxide State 24-Hour	Richmond	0	0	0	0	0
PM-10 Federal 24-Hour	Richmond	0	0	0	0	0
PM-10 State 24-Hour	Richmond	9	5	3	3	1

Source: Donald Ballanti, Certified Consulting Meteorologist, 1996; from California Air Resources Board, *California Air Quality Data*, Annual Summaries, 1992-1995, and Bay Area Air Quality Management District, *Air Currents*, April 1996.

Attainment Status and Regional Plans

The federal Clean Air Act and the California Clean Air Act of 1988 require that the State Air Resources Board, based on air quality monitoring data, designate as "nonattainment areas" portions of the State where the federal or State ambient air quality standards are not met. Because of the differences between the standards, the designation of nonattainment areas is different under the federal and State legislation.

The Bay Area recently was designated a "maintenance area" by the U.S. Environmental Protection Agency for ozone. The "Urbanized Area" of the air basin is considered nonattainment for carbon monoxide (however, a request for redesignation to "maintenance area" has been submitted by the Bay Area Air Quality Management District to the U. S. Environmental Protection Agency). The air basin is an attainment area or is unclassified for all other national ambient air quality standards.

Under the California Clean Air Act the entire San Francisco Bay Air Basin is a nonattainment area for ozone and PM-10. The air basin is either attainment or unclassified for other pollutants. The Bay Area has both a federal and State air quality plan. The federal plan (1982 Bay Area Clean Air Plan as amended)² and the area-wide plan

² Association of Bay Area Governments, 1982 Bay Area Air Quality Plan, December 1982.

required by the California Clean Air Act (adopted in December 1994)³ propose the imposition of controls on stationary sources (factories, power plants, industrial sources, etc.) and Transportation Control Measures designed to reduce emissions from automobiles.

The proposed revisions to the national ambient standards for ozone and particulate matter have no immediate effect on nonattainment planning. Existing ozone and particulate matter designations will remain in effect until U.S.E.P.A. establishes new designations based on any new ozone or particulate matter standard.

Impacts and Mitigation Measures

Significance Criteria

For the purposes of this EIR, the project would have a significant impact on air quality if it would:

- Violate air quality standards as expressed by any federal, State, regional or local agency having jurisdiction;
- Contribute substantially to an existing or projected air quality violation;
- Expose sensitive receptors to substantial pollutant concentrations.

In particular, an impact would be considered significant if carbon monoxide ambient air quality standards would be exceeded due to project traffic on the local street network, and/or if increased emissions of an ozone precursor or PM-10 would exceed the Bay Area Air Quality Management District's recommended thresholds of significance.⁴

Demolition and Construction Activity

Impact G-1: Construction activities such as demolition, excavation and grading operations, construction vehicle traffic, and wind blowing over exposed soil would generate exhaust emissions and fugitive particulate matter emissions that would affect local air quality. (S)

The project's primary air quality impact would be due to the generation of particulate matter, or dust. Fugitive dust is emitted during demolition, construction, and as a result of wind erosion over exposed soil. Demolition and earthmoving activities comprise the major source of such dust emissions, but traffic over bare earth and general disturbance of the soil can also generate significant dust emissions. The project would require the demolition of all of the existing structures at the project site, excavation of the basement levels for parking and other uses, construction of the new facility, and demolition of the existing courthouse. The amount of dust is not quantifiable at this time, but the close proximity of numerous sensitive receptors warrants the application of several mitigation strategies to minimize the impact to the extent feasible.

Secondarily, air quality impacts would occur during construction from the release of organic gas emissions. Solvents in adhesives, non-waterbase paints, thinners, some insulating materials and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.

³ Bay Area Air Quality Management District, Bay Area '94 Clean Air Plan (CAP), 1994.

⁴ Bay Area Air Quality Management District, BAAQMD CEQA Guidelines, 1996.

Mitigation Measure G-1a: Demolition contracts could include the following requirements:

- Whenever possible, use dust-proof chutes for loading demolition and construction debris onto trucks or into containers.
- Apply water to control dust during demolition of structures and break-up of pavement.
- Cover the loads of all trucks removing debris from the site.
- Prepare contingency plans to provide portable High Efficiency Particulate Air (HEPA) filter equipment to nearby sensitive receptors during demolition, if requested and warranted.

Mitigation Measure G-1b: Construction contracts could include the following requirements:

- Water all active construction areas at least twice daily.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers) local streets if visible soil material is carried onto adjacent public streets by construction vehicles.
- Enclose, cover, and water twice daily or apply non-toxic soil binders to exposed stockpiles of dirt, sand, etc.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas (such as the footprint of the existing courthouse) as quickly as possible.

Mitigation Measure G-1c: Non-toxic and low-emission materials should be specified for use within the Courthouse to the extent feasible in order to minimize emissions of organic gases during construction, and after occupancy when “toxic-building” syndrome might become a concern.

Traffic-Related Impacts

Impact G-2: The project would have a minor affect on local air quality by changing local traffic patterns and increasing vehicle trips in the area. (LS)

Local emissions of air pollutants including carbon monoxide would be modified along streets providing access to the site. Typically, the highest concentrations of carbon monoxide are found near congested intersections, where vehicle idling, acceleration and deceleration result in the highest rate of emissions. Therefore, carbon monoxide concentrations under worst-case meteorological conditions were predicted for the PM peak hour at five signalized intersections most affected by the project to determine the overall effect of existing, future background, and project-specific traffic on pollution levels near local streets.

Table G-4 shows the results of the intersection analysis for the peak hour traffic period and for an 8-hour peak traffic period, as compared to the federal 1-hour standard of 35 PPM and the State standard of 20 PPM, and the 8-hour standard (federal and State) of 9.0 PPM. Existing concentrations at the five intersections analyzed do not exceed the State or federal standards. The addition of project traffic would increase concentrations at some of the intersections studied by up to 0.2 PPM. Concentrations would remain below applicable state/federal ambient air quality standards, so the project-specific impact is considered less-than-significant.

Table G-4
WORST-CASE CARBON MONOXIDE CONCENTRATIONS FROM VEHICLE TRIPS

Intersection	Existing (1997)		Existing Plus Project at Civic Center Site (1997)		Existing Plus Project at Hink's Garage Site (1997)		Cumulative Plus Project at Civic Center Site (2000)		Cumulative Plus Project at Hink's Garage Site (2000)	
	1-Hour	8-Hour	1-Hour	8-Hour	1-Hour	8-Hour	1-Hour	8-Hour	1-Hour	8-Hour
MLK Jr. Way / University Ave.	10.8	7.9	10.8	7.9	10.8	7.9	9.1	6.6	9.1	6.1
MLK Jr. Way / Allston Way	9.2	6.7	9.4	6.9	9.6	6.7	7.4	5.4	7.4	5.4
MLK Jr. Way / Dwight Way	9.6	7.0	9.6	7.0	9.6	7.0	7.9	5.8	7.9	5.8
Center Street / Milvia Street	7.3	5.4	7.3	5.4	7.4	5.5	6.5	4.8	6.5	4.8
Shattuck Ave. / Bancroft Way	9.0	7.6	9.1	7.7	9.1	7.7	8.0	5.9	8.0	5.9
Most Stringent Standard	20.0	9.0	20.0	9.0	20.0	9.0	20.0	9.0	20.0	9.0

Source: Donald Ballanti, Certified Consulting Meteorologist, 1996.

Cumulative traffic assumptions are consistent with the traffic study for the project and the City's Civic Center Urban Design Plan. Future conditions show a trend toward lower pollutant concentrations despite increases in traffic volumes and localized congestion because of vehicle fleet turn-over and more stringent emission controls for newer vehicles.

Mitigation Measure G-2: None required.

Parking Garage Activity

Impact G-3: **The proposed parking garage would be a focal point for vehicle idling and travel, affecting interior air quality within the garage and outdoor air quality near the garage. (LS)**

A box-model was used to predict maximum concentrations of carbon monoxide within the ground floor of the proposed parking garage. Because all vehicles, regardless of where they park, must enter or exit from the ground floor, carbon monoxide emissions would be greatest on this level of the garage. The calculation of emissions within the ground floor of the garage and the box model used to estimate concentrations within the garage show that, under worst-case assumptions of traffic and meteorology, concentrations would be about 11.5 PPM for a 1-hour averaging time and 8.3 PPM for an 8-hour averaging time at the Civic Center Site. The predicted interior concentrations on the ground floor of the garage on the Hink's Garage Site under worst-case assumptions of traffic and meteorology are 11.6 PPM for a 1-hour averaging time and 8.4 PPM for an 8-hour averaging time.

These predicted concentrations are below ambient air quality standards and OSHA workplace standards. This impact is considered less-than-significant.

Mitigation Measure G-3: None required.

Regional Impacts

Impact G-4: Project-based and cumulative traffic would have a minor effect on air quality outside the project vicinity. (LS)

The project will result in a net increase in the number of vehicle trips to the courthouse site. This increased travel would result in some additional air pollutants being released within the San Francisco Bay Air Basin. This impact would be identical for either the Civic Center or Hink's Garage sites. Cumulative land use changes within the Civic Center area would also generate new trips.

To evaluate emissions associated with the project and cumulative land use changes, the URBEMIS-5 computer program, developed by the California Air Resources Board, was employed. The daily emission associated with current courthouse use and future courthouse use is shown in *Table G-5* for reactive organic gases and oxides of nitrogen (two precursors of ozone) and PM-10 (particulate matter, below 10 microns in diameter). Cumulative emission increases due to net increases in trip generation within the Civic Center area are also shown. The URBEMIS-5 model and the conditions assumed in its use are described in the Appendix.

Table G-5 shows that both the incremental increase related to the project (compared to existing courthouse facilities in the area) and the total emission associated with all trips attracted to the new courthouse facility would be well below the BAAQMD's thresholds of significance for regional pollutants. Project impacts on regional air quality would be less-than-significant. Cumulative emissions from all development projected for the Civic Center area would exceed the BAAQMD threshold of significance for one pollutant, NO_x.

The County's contribution to the cumulative emissions is relatively small. The County already has several programs to reduce trip generation, as outlined in the Transportation section of this EIR. The City, as part of its Civic Center program, also will continue to pursue implementation of policies and programs aimed at reducing motor vehicle trips in the downtown area. Trip reduction through better transit information, more and better bicycle parking, and enhanced pedestrian amenities are expected to offer some incentive for reducing the number of vehicle trips. Mitigation to reduce cumulative regional air pollutant emissions below BAAQMD thresholds would require a 1.5% reduction in daily trips, a level that is considered easily attainable with comprehensive trip reduction programs.

Mitigation Measure G-4: None required for the project.

Table G-5
PROJECT-RELATED REGIONAL AIR POLLUTANT EMISSIONS FROM VEHICLE TRIPS

	Daily Emission (Pound/Day)		
	ROG	NO _x	PM-10
Existing Courthouse	9.6	10.0	11.6
Proposed Project	14.6	15.1	17.6
Cumulative Civic Center Plan Land Use Changes	68.5	81.2	12.7
BAAQMD Significance Threshold	80.0	80.0	80.0

ROG = Reactive Organic Gases

NO_x = Nitrogen Oxides

PM-10 = Particulate Matter, 10 micron diameter or smaller

Chapter III.H - Hazardous Materials

Existing Setting

This section discusses the occurrence and potential impacts of hazardous substances at the project site due to previous land uses and from off-site sources. The evaluation of the potential presence of hazardous materials is based on the following information: Phase I and Phase II site investigation reports and focussed asbestos surveys for the alternative site; land use information obtained as part of the historic resources study for this EIR; reports from appropriate databases and other environmental assessments; and consultation with local agencies. The Phase I and Phase II reports were prepared by Versar, Inc. in 1993 and 1994 for the County of Alameda General Services Agency.

Definitions

A hazardous material is a substance or combination of substances which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may either: 1) cause, or significantly contribute to, an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness; or 2) pose a substantial present or potential hazard to human health and safety, or the environment when improperly treated, stored, transported, or disposed of or otherwise managed. As defined by Title 22 of the California Code of Regulations (CCR), hazardous materials are grouped into the following four categories based on their properties: toxic (causes human health effects); ignitable (has the ability to burn); corrosive (causes severe burns or damage to materials); and, reactive (causes explosions or generates toxic gases). Hazardous materials have been and continue to be used in commercial, agricultural, and industrial applications as well as in residential areas to a limited extent. Hazards result when materials are released to the soil or groundwater or through airborne releases in vapors, fumes, or dust.

According to the California Health and Safety Code, and for purposes of this EIR, a hazardous waste is any hazardous material that is abandoned, discarded or in storage prior to recycling. The categories that apply to hazardous materials also apply to hazardous wastes: toxicity, ignitability, corrosivity, or reactivity. For example, excavated soil containing hazardous materials would be a hazardous waste if the contaminants exceeded specific CCR criteria.

Regulations

Storage, handling, and documentation of hazardous materials and wastes are governed by federal, State, and local laws designed to protect public health and the environment. In general, those regulations provide definitions of hazardous substances; establish reporting requirements; set guidelines for handling, storage, transport, remediation, and disposal of hazardous wastes; and require health and safety provisions for workers and the public. Regulatory agencies also maintain lists, or database, of sites that are classified as hazardous waste generators or that store hazardous substances in underground storage tanks, as well as sites where soil or groundwater quality may have been affected by hazardous substances.

The major agencies enforcing these regulations include the U.S. Environmental Protection Agency, the Department of Toxic Substances Control and the California Regional Water Quality Control Boards of the

California Environmental Protection Agency, the Bay Area Air Quality Management District, the Alameda County Department of Environmental Health, and the City of Berkeley Toxics and Emergency Management Division. Workplace safety regulations are enforced by the Federal and California Occupational Health and Safety Administrations.

Federal Regulations. The U.S. Environmental Protection Agency (U.S. EPA) is the lead agency responsible for enforcing federal regulations that affect public health and the environment. Federal regulations governing hazardous materials and wastes are contained primarily in the Resource Conservation and Recovery Act of 1976 (RCRA), the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), and the Superfund Act and Reauthorization Act of 1986 (SARA). Federal statutes pertaining to hazardous materials and wastes are contained in the Code of Federal Regulations (40 CFR).

The RCRA and CERCLA provide the federal government requirements for identification of hazardous materials and hazardous wastes, remediation of hazardous wastes in soil and groundwater, and reporting. Hazardous waste identification is based on the source of the waste (listed hazardous wastes) or the physical/chemical nature of the waste (characteristic hazardous wastes). Remediation requirements are determined on a site-specific basis in conjunction with the lead State or local agencies, but these acts include federal guidance pertaining to minimum acceptable remedial actions. Reporting requirements under these two acts are designed to assure that known releases of hazardous constituents are reported and that federal agencies participate in the remedial process either directly or through State or local lead agencies.

Federal Worker Safety requirements are regulated under the Code of Federal Regulations, Title 29 as authorized in the Occupational Safety and Health Act of 1970, and enforced by the Fed/OSHA. California OSHA standards are typically more stringent than federal OSHA standards, and Fed/OSHA typically delegates responsibility to Cal/OSHA.

California State Regulations. The U.S. EPA has delegated much of its regulatory authority to the individual states. California regulations pertaining to hazardous materials and wastes are therefore equivalent to, or more stringent than, federal requirements. Some materials and wastes considered hazardous under California law are not hazardous under federal law.

California hazardous material and waste regulations are contained in the California Hazardous Waste Control Act, the State equivalent of RCRA; and the California Hazardous Substance Account Act, the State equivalent of CERCLA. State hazardous materials and waste laws are contained in the California Code of Regulations (CCR) Titles 22 and 26. State regulations for occupational safety and health are contained in CCR Title 8.

The Department of Toxic Substances Control (DTSC) of the California EPA, formerly a division of the Department of Health Services, is the lead agency for enforcement of California regulations and, where so empowered, federal regulations. Depending on the nature of the contamination at a given site (particularly where the primary concern is groundwater contamination), the appropriate Regional Water Quality Control Board (RWQCB) may be the lead agency. The RWQCB is authorized by the State Water Resources Control Board to enforce the provisions of the Porter-Cologne Water Quality Control Act of 1969. This Act gives the RWQCB authority to require groundwater investigations when the quality of groundwater or surface waters of the state are threatened and to require remediation of the site, if necessary. Both agencies are part of the Cal EPA. The Courthouse project area is located in the jurisdiction of the San Francisco RWQCB, Region 2.

The State Water Resources Control Board also requires permitting of all underground storage tanks (USTs) containing hazardous substances. The California laws regulating USTs are primarily found in the Health and Safety Code; combined with regulations adopted by the State Water Board, these laws comprise the requirements of the State UST program. The laws contain requirements for UST permitting, construction, installation, leak

detection monitoring, repairs and upgrades, corrective actions and closures. In accordance with State laws, counties are required to implement a UST program and in some cases, the County requirements are more stringent than those of the State. Cities are also given the option to implement a UST program.

The Bay Area Air Quality Management District (BAAQMD) may impose specific requirements on remediation activities to protect ambient air quality from dust or other airborne contaminants.

Local Regulations. The Alameda County Department of Environmental Health oversees remediation of contaminated soils and groundwater at hazardous waste sites in coordination with State and federal agencies. The Toxics and Emergency Management Division in Berkeley issues permits for hazardous material use and for installation of underground storage tanks, as well as oversight and sign-off for closure plans for removal of leaking underground storage tanks.

The City of Berkeley has also instituted a Toxics Management Program. This program is an educational effort, a public complaint forum, and a business regulatory program. The Program regulates over 450 Berkeley businesses. Berkeley also has over 150 sites on the State list of underground storage tank leaks. Various programs are in place to track the location, use, and disposal of hazardous materials, including the Hazardous Materials Management Plan (HMMP) or "business plan", Hazardous Materials Disclosure Ordinance or "community right-to-know regulations", Risk Management and Prevention Plan (RMPP) for acutely hazardous materials, Hazardous Waste Importation Act for siting any hazardous waste collection or recycling facilities, household hazardous waste programs, Underground Storage Tank (UST) regulation and remediation programs, ozone-depleting compounds such as chlorofluorocarbons (CFCs), stormwater pollution prevention through education about Best Management Practices, and enforcement of environmental laws.

Hazardous Material Worker Safety Requirements. Properties found to be contaminated are subject to special worker safety requirements both to protect construction workers during demolition and excavation and to protect site investigation and cleanup workers who are performing site studies or site remediation activities. In both instances, site safety plans are required in compliance with federal and State OSHA standards. Such site safety plans typically include provisions for safety training, safety equipment, accident and illness prevention programs, hazardous substance exposure warnings, and emergency response and fire prevention plan preparation.

Emergency Response. The City of Berkeley provides fire protection and police protection services throughout the city. The Toxics Management Program staff respond with the fire department and act as first-response team for small-scale spills, illegal dumping, complaints, or potential releases involving hazardous materials. On larger incidents, program staff help identify substances spilled, notify responsible State agencies, determine how the public can best be protected, and oversee clean-up in cooperation with the Fire Department, Police, Public Works, and Health and Human Services Departments, when necessary.

Hazardous Building Materials

Some materials commonly used in older buildings or land uses can present a public health risk if disturbed during an accident or during demolition or renovation of an existing building. These materials include asbestos, electrical equipment such as transformers and fluorescent light ballasts that contain polychlorinated biphenals (PCBs), fluorescent lights containing mercury vapors, and lead-based paints. Asbestos and lead-based paint may also present a health risk to existing building occupants if they are in a deteriorated condition. If removed during demolition of a building, these materials could require special disposal procedures.

During the past 50 years, asbestos has been used as a common building material, including use as insulation material, shingles and siding, roofing felt, floor tiles, and acoustical ceiling material. Asbestos is a known carcinogen, and the primary pathway of exposure is through inhalation; if asbestos is present in "friable" (i.e.

crumbly) form, then asbestos fibers can be released and inhaled. Due to the age and condition of the buildings at the project site, it is possible that airborne asbestos fibers could be released during site clearing activities.

PCBs were commonly manufactured and used in the United States between 1929 and 1977 for uses such as electrical transformers and capacitors and fluorescent light ballasts. PCBs are a highly toxic group of substances that persist in the environment, accumulate in biological systems, interfere with reproduction and act as an immuno-suppressant. Under the Toxic Substances Control Act, Congress specifically regulated the use of PCBs. The manufacture, processing, and commercial distribution or use of PCB was prohibited in January 1978, except when in a totally enclosed manner. As of January 1979, the manufacture of PCBs was banned, and the distribution of PCBs in commerce was banned in July 1979. However, utilities and other owners of PCB-filled electric transformers and capacitors were allowed to maintain the equipment for its working life, if it did not leak. The EPA Spill Cleanup Policy dictates that spills of materials containing PCBs at concentrations of 50 parts per million (ppm) or greater be cleaned up within 48 hours after the spill.

In response to these regulations, PG&E has replaced all capacitors in the City of Berkeley. Most fluorescent ballasts manufactured prior to 1978 contain approximately 0.5 ounces of PCBs in a small capacitor; the quantity can be up to two ounces. The U.S. EPA estimated in 1978 that there were approximately 850 million of these capacitors in use in the United States. Disposal of more than one pound of PCBs, or approximately 16 capacitors, to a landfill would require notification of the U.S. EPA under CERCLA. Ballasts manufactured after January 1, 1978, do not contain PCBs and should be labeled as such on the ballast.

Spent fluorescent light tubes commonly contain mercury vapors at levels high enough to be considered a hazardous waste under California law; depending on the levels of mercury present, the light tubes may also be classified as hazardous under federal law. When disposed of at a municipal landfill, the mercury can leach into the soil and groundwater. Existing regulations allow a generator to dispose of up to 25 fluorescent light tubes per day at a municipal landfill if the light tubes are not considered hazardous under federal law. Disposal as a hazardous waste would be required if a larger quantity of lights is generated during replacement of existing lights or during building demolition.

Lead-based paint was commonly used prior to 1960; the U.S. Department of Housing and Urban Development considers paint that contains greater than 5,000 parts per million (or 0.5 percent) of lead to be lead-based. Lead is toxic to humans, particularly young children, and can cause a range of human health effects depending on the level of exposure. When adhered to the surface of the material they are painted to, lead-based paints pose little health risk. Where the paint is delaminated or chipped, the paint can cause a potential threat to the health of young children or other building occupants who may ingest the paint. Lead dusts could also present public health risks during remodeling or demolition of a structure with lead-based paint. Lead-based paint that has separated from a structure may also contaminate nearby soil. The Alameda County Lead Poisoning Prevention Program offers education and assistance in minimizing or avoiding lead paint hazards, especially for children.

Potential On-Site Sources of Hazardous Materials

Historic Land Uses. The project site is located in the historic downtown area of Berkeley, where a broad range of land uses have been in place over the past 125 years. Many of the businesses could have generated, used, stored, or disposed of hazardous materials. Automobile sales and services form the largest category of past uses that may have involved hazardous materials. Many more gasoline stations were located in the downtown area in the past than currently exist. Some of these sites have been cleaned up as they were redeveloped, while other sites are still vacant or were redeveloped prior to the implementation of more stringent controls. In addition, fuel storage tanks were commonly used for residences and businesses until about 1920, and were often installed and abandoned without records. Other businesses that were involved with hazardous materials include paint stores, dry cleaning establishments, and book binding and printing establishments.

The Berkeley Downtown Plan EIR identified about 100 sites with historic land uses that could have resulted in hazardous waste. The major concentration of such uses were within the proposed project area, near Center Street and Addison Street, and on various scattered parcels elsewhere in the downtown.

The proposed project site was first developed as residences, as evidenced by building permit records and aerial photographs. In 1930, the Veteran's Memorial Building and Framat Lodge were both in existence at their current locations, as was the apartment building at 1907 Center Street. Other parcels on the main project site and the site of the proposed parking garage were occupied by residences and associated outbuildings. Subsequent development of these properties included a series of auto-related businesses at the Goodyear Tire Store parcel, two apartment buildings at 1912 and 1915 Addison, and the building occupied by the American Language Academy, each constructed in the 1950's. The PG&E service center building was constructed in the 1960's.

The Civic Center Park area immediately across Center Street from the site were similarly developed with auto service stations and paint stores until the 1940's, when the properties were acquired for the development of the park. Based on the age of the buildings and the uses that were present, it is likely that lead based paint and asbestos are present. The Framat Lodge also had an underground storage tank at one time, but it has been removed and the site has been closed.

Historic land uses at the alternative project site that could have used hazardous materials (primarily petroleum-based lead and other constituents) include auto sales, an auto garage, a gas station, and a parking garage and parking lots. Past use of a hazardous material at a site does not necessarily indicate that contamination exists, but because past attitudes toward handling and disposal of hazardous materials were formed when less information was available about the effects of contamination and the industries were less regulated, the probability of some environmental contamination is much higher on properties with these historic uses.

In addition, historic uses of surrounding lands could have resulted in contamination as groundwater migration often carries materials such as petroleum hydrocarbons over some distance. Possible sources of contamination include a former leaking diesel tank at the Pacific Bell facility on Bancroft Way, and significant releases from underground tanks at the former Berkeley Lincoln/Mercury dealer on Shattuck Avenue.

Site Inspection. Versar, Inc. performed a Phase I and Phase II survey of the alternative project site in 1993 and 1994. The Phase I survey included a field visit, historic aerial photo review, regulatory agency document review, and general hydrogeology data review. The Phase II survey included borings at two locations on property currently used as a parking lot; access was denied to other areas of the site.

Versar conducted a limited inspection of the project site perimeter to evaluate the potential for past or present hazardous materials usage at the site and in the area. Versar's on-site inspection focused on the identification of any evidence of surface staining or other potential environmental liabilities such as electrical transformers or underground storage tanks.

A visual evaluation of adjacent properties was conducted to determine if these properties have potential sources of hazardous materials on-site. This included: all adjacent properties; facilities within a one quarter mile radius which have, or are suspected of having, underground storage tanks; factories, industries, or landfills within a one-half mile radius; and National Priorities List (NPL) and CERCLIS sites within a one mile radius. Available geologic and hydrologic data was evaluated to assess the potential for migration of hazardous materials from potential contaminant sources onto the project site.

The primary concerns raised by the evaluation related to the YAS auto repair shop. Historically a gas station, there were approximately five 55 gallon drums and five smaller drums located in the storage area at the time of the field survey, in addition to various automobiles in storage or being worked on. The contents of the various

drums are unknown; however, at least one 55 gallon drum contained a dark fluid resembling waste oil. Surface staining was prevalent in the area surrounding the drums. The cause appeared to be poor housekeeping practices when disposing of suspected waste oil in drums, and frequent oil leaks from automobiles. A small storage shed was located behind the automobile repair garage; neither were inspected. The asphalt and cement pavement were cracked in several places; due to the limited nature of the site inspection Versar was unable to quantify the amount of damage. The presence of asbestos-containing material is likely due to the age of the buildings (constructed in the 1970's).

A file review at the City of Berkeley Fire Department revealed the presence of multiple tanks that have been removed from the property. However, documentation appears to be incomplete regarding the cleanup needs and efforts that were made during the tank removals. The file review at the Berkeley Toxics department revealed the presence of an underground waste oil tank on the property in an inspection report dated October 26, 1987. Versar believes that this is the 280 gallon underground waste oil tank that was installed on October 26, 1972. Records were not identified regarding additional inspections or any integrity testing that may have been completed. The inspection report also noted the presence of seventeen gallons of solvent, eighty gallons of oil, and a ten gallon parts washer.

During the site visit, the Milvia restaurant was closed and only an exterior inspection was possible. No visual inspection was made of the interior of the building or the patio area. Due to the age of the building (constructed in the 1940's), the presence of asbestos containing materials and lead-based paint is likely. No exterior environmental concerns were observed.

Observations were made only of the exterior of the buildings and property at the Berkeley Motel. Minor staining was present on the pavement, the likely source being oil leaking from parked cars. No ASTs, USTs, or monitoring wells were observed. Again, the existence of asbestos containing material and lead-based paint is possible.

No buildings are located on the remaining properties, and only minor staining was observed. No ASTs, USTs, or monitoring wells were observed.

Versar did not witness any transformers on or around the site, but all utility facilities are located underground. Therefore, Versar contacted PG&E regarding the general status of any transformers within the City of Berkeley. No PG&E owned or operated transformers in the City of Berkeley contain PCBs. Versar did not observe any visible emission to air or water that would require a permit. However, this statement is based on the limited nature of the site investigation.

Two large smoke stacks are located in a building on the Berkeley High School Property. The stacks appear to be associated with a steam heating system. The property is downgradient from the project site, and not considered an environmental hazard. Several surrounding properties within a 1/4 mile radius of the site are listed as having underground storage tanks.

Federal, State, and Local Regulatory Review. Versar consulted Vista Environmental Information, Inc. (Vista) to search federal and state regulatory agency databases to determine if areas of environmental concern exist at the project site or surrounding properties. The Vista report indicates that the project site is not listed on any of the databases searched.

No properties in the CERCLIS, NPL, or LIENS databases are present within a one-mile radius of the project site. Six properties from the CAL-SITES/ASPIS list were within one-half mile radius of the project site. However, all of the properties are listed as requiring no further action; therefore, it is unlikely that they will have impacts on the project site. Twenty-four sites from the CORTESE database were included within a one-quarter mile

radius of the subject site. These sites do not necessarily represent properties with known contamination, and in many circumstances they are regulated under another environmental program. All of the CORTESE sites located within a one-quarter mile of the site are listed as HWIS properties or properties with Leaking Underground Storage Tanks (LUSTs), discussed below. An additional seven HWIS sites are present within a one-half mile radius of the site.

Although HWIS sites typically represent facilities that handle or manage hazardous substances, listing under this program is not necessarily indicative of environmental problems. Therefore, unless a HWIS property is located within a 500 foot radius of the project site, or other information indicates an environmental problem, these sites are not considered to be of potential concern. Husteads Inc., is the only such property located within a 500 foot radius of the site. However, the property is located downgradient, so migration of groundwater contamination would be directed away from the project site. Fourteen LUST properties were identified within a one-quarter mile radius of the project site.

Phase I Conclusions and Recommendations. Based on the limited site investigation and review of available information for the Phase I study, Versar identified four issues of potential environmental concern at the alternative project site:

- Potential subsurface contamination may exist from the two 2,000 gallon and three 1,000 gallon underground gasoline tanks and the 100 gallon waste oil tank that have been removed from the YAS auto repair shop. Versar recommended that a Phase II assessment be completed because there was no record of soil sampling following the removal of the tanks. A study has been completed on a neighboring lot to attempt to assess the conditions in the area.
- Additional subsurface contamination from the 280 gallon underground waste oil tank installed in 1972 may be present at the YAS property. Versar recommended that a Phase II assessment be completed on the 280 gallon tank due to the age of the tank and the lack of inspection and integrity testing data.
- Potential presence of asbestos containing materials and lead-based paints in buildings located on various project properties. Versar recommended that an asbestos survey be completed to determine the type and quantity of asbestos containing material present.
- Potential subsurface contamination due to contaminant migration from surrounding sites. The potential for migration of contaminants to the alternative project site is somewhat mitigated by distance. Versar recommended that the status of upgradient LUST sites be periodically reviewed.

Phase II Study. Based on the information concerning the site activities on the YAS auto repair property, soil samples were collected from an adjacent property and were analyzed for commonly used motor vehicle fuels and fuel constituents, and waste oil and waste oil constituents. Selected soil samples collected from the borings were analyzed for one or more of the following:

- Total oil and grease (TOG) by California Leaking Underground Fuel Tank Field Manual (LUFT);
- Total petroleum hydrocarbons as gasoline (TPH-G) by EPA Method 8015M;
- Total petroleum hydrocarbons as diesel (TPH-D) by EPA Method 3550/8015M;
- Benzene, toluene, ethylbenzene, and xylenes (BTEX) by EPA Method 8020;
- VOCs by EPA Method 8240;
- Semivolatile organic compounds (SVOCs) by EPA Method 8270 and;
- Total California Assessment Manual (CAM) 17 Metals.

None of the organic chemicals of concern (TOG, TPH-G, TPH-D, BTEX, VOCs, and SVOCs) were detected above their respective detection limits in the samples submitted for analyses. None of the total CAM 17 metals detected in the samples collected from the borings were identified in concentrations above their respective Total Threshold Limit Concentrations (TTLCs) or ten times their respective Soluble Threshold Limit Concentrations (STLCs).

Evidence from the field investigation and inspection of this site, along with the laboratory analyses of selected soil and potential ACM samples, did not identify any areas of significant environmental concern. No areas of soil or groundwater contamination were identified on the property.

Although various total metals were detected in all of the soil samples that were analyzed for metals, the respective individual total metal concentrations detected are low enough to not represent an environmental concern in any of the areas sampled. The similarity in the respective total individual metal concentrations between the individual samples indicates that the concentrations of each metal detected are probably background concentrations.

Since the Phase II study was completed, the City of Berkeley has pursued additional investigations at the YAS auto shop to determine the extent of contamination that may have resulted from the 280-gallon waste oil tank. The site has been described as relatively clean, based on this investigation. Therefore, it is unlikely that additional contamination exists. However, no definitive statement can be made about the entire alternative site at this time. Additional investigations cannot be completed by the County until actual offers to purchase the properties have been made. No such offers or statements of intent will be made until the environmental impact report has been certified and a project has been approved by the County Board of Supervisors.

No Phase I or Phase II studies have been conducted at the proposed project site. However, such studies would be conducted prior to any site acquisition to determine the level of risk to the County for owning such sites, and the level of cost associated with any potential clean-up. It is possible that the site of the Goodyear tire store will have some petroleum spills or residue from the many years of similar activity at the site.

Table H-1
HWIS Sites Within 1/4 Mile of the Site

Site Name	Site Address	Distance and Direction from Site
GLM Real Estate Services, Inc.	2352 Shattuck Avenue	1/8 mile to the south
Husteads, Inc.	2037 Durant Avenue	<500 feet to the south
Toyota of Berkeley	2400 Shattuck Avenue	3/16 mile to the south-southeast
Chevron Station #97586	2401 Shattuck Avenue	3/16 mile to the south-southeast
Hogland, Bogart, and Bertero	2150 Shattuck Avenue, Suite 610	1/4 mile to the northeast
Vann's Auto Body, Inc.	2015 Addison Street	1/4 mile to the north
Stadium Auto Body Shop	2026 Addison Street	1/4 mile to the north

Source: Versar, 1994.

Table H-2
LUST Sites Within 1/4 Mile of the Site

Site Name	Site Address	Distance and Direction from Site	Comments
Berkeley Lincoln Mercury	2352 Shattuck Avenue	3/16 mile to the south-southeast	Vista reported the Berkeley Lincoln Mercury property as having detectable levels of groundwater contamination by gasoline, and a preliminary site assessment is currently underway. The City of Berkeley Fire Department records show that four underground storage tanks, containing gasoline, ranging in size from 6,000 to 8,000 gallons were removed. Records also show that one 285 gallon and one 550 gallon waste oil tank were removed. An August 8, 1991 report to the RWQCB shows a groundwater contamination level of 140 micrograms/liter of total petroleum hydrocarbons as diesel (TPH/D) on site. This property is located upgradient of the Site.
Goss Ross Doyle Trust	2140 Durant Avenue	3/16 mile to the south-southeast	No file was available for the Goss Ross Doyle Trust property at the RWQCB. The Vista report shows that detectable levels of soil contamination, by waste oil, were reported, and no further action has been taken by the responsible party after the initial report. A site visit showed that this site was previously a Chevron Service Department. This property is located upgradient of the Site.
Jackson Property	2131 Durant Avenue	3/16 mile to the south-southeast	According to RWQCB records the Jackson property was found to have TPH/D in soil at a maximum concentration of 220 mg/kg. Additionally, groundwater was located at 43 feet bgs and at a maximum concentration of 18 micrograms/kg TPH/D. A site visit concurred that a tank had been pulled, however, no file data exists on the size of the tank. This property is located upgradient of the Site.

Site Name	Site Address	Distance and Direction from Site	Comments
Shell	2200 Durant Avenue	3/16 mile to the south-southeast	RWQCB records show: at the Shell property, Total Petroleum Hydrocarbon levels as Gasoline (TPH/G) were measured at a maximum concentration of 1,300 mg/kg in the soil; the highest measured concentration of benzene was 9.8 mg/kg. During quarterly groundwater sampling, floating product was found in several wells but the exact thickness was not measured. Vista records show that remedial action is underway: free product found in groundwater is being removed and contaminated soil is being excavated and disposed of at an approved site. The Vista report also shows that the responsible party is in the process of installing additional monitoring wells and/or borings in order to fully define the lateral and vertical extent of contamination in soil and groundwater and assess the hydrogeology of the area. This property is located upgradient of the Site.
PacBell	2115 Bancroft Way	3/16 mile to the east-northeast	At the Pac Bell property, a correspondence from Blaine Technical Services to Paradiso Construction in RWQCB files, indicates that a 7,500 gallon diesel underground storage tank was removed and soil contamination exists. The Vista report shows that no action has been taken by the responsible party other than the initial report. This property is located upgradient of the Site.
Southside Plaza	2399 Shattuck Avenue	3/16 mile to the south-southeast	Vista reported the Southside Plaza property is reported as having detectable levels of waste oil contamination in soil. The case has been closed: the RWQCB and the local agency are in concurrence that no further work is necessary at the site. This property is located cross- or downgradient of the Site.
Toyota of Berkeley	2400 Shattuck Avenue	3/16 mile to the south-southeast	Vista reported the Toyota of Berkeley property as having detectable levels of waste oil contamination in soil. No further action has been taken by the responsible party in addition to the initial reporting of the leak. This property is located cross- or downgradient of the site.
UC Berkeley	2401 Shattuck Avenue	3/16 mile to the south-southeast	Vista reported the UC Berkeley property as having detectable levels of gasoline contamination in groundwater, and a remediation plan has been submitted by the responsible parties. The remedial action plan includes the removal of free product and soil venting to allow volatilization of contaminants. This property is located cross- or downgradient of the Site.

Site Name	Site Address	Distance and Direction from Site	Comments
American Red Cross	2116 Allston Way	1/4 mile to the south-southeast	There was no file available for review at the RWQCB for the American Red Cross property. The Vista report show that detectable levels of diesel have been found in groundwater; no remedial action has been taken but a preliminary site assessment is underway. This property is located upgradient of the Site.
GLM Real Estate Services	2029 Channing Way	1/8 mile to the south	Vista reported the GLM Real Estate Services property as having detectable levels of gasoline in groundwater. No remedial action has been taken, but a remediation plan has been submitted evaluating long term remediation options. A proposal and implementation schedule for an appropriate remediation option has also been submitted. This property is located cross- or downgradient of the Site.
Herrick Hospital and Health Care	2001 Dwight Way	1/4 mile to the south	Vista reported the Herrick Hospital and Health Care property as having detectable concentrations of diesel in soil. No action has been taken by the responsible party after the initial report of the leak. This property is located cross- or downgradient of the Site.
Addison Street Property	2040 Addison Street	1/4 mile to the north	Vista reported the Addison Street Property as having detectable levels of heating fuel contamination in the oil. No action has been taken by the responsible party after the initial report of the leak. This property is located cross- or downgradient of the Site.
Automotive Unlimited	2020 Addison Street	1/4 mile to the north	Vista reported the Automotive Unlimited property as having detectable levels of gasoline in groundwater. Also according to Vista, the contaminated soil has been excavated and disposed at an approved site, and no action has been taken by the responsible party to remediate the groundwater contamination. This property is located cross- or downgradient of the Site.
Berkeley Glass	2011 Addison Street	1/4 mile to the north	Vista reported the Berkeley Glass property as having detectable levels of miscellaneous fuels in soil. No action has been taken by the responsible party after the initial report of the leak. This property is located cross- or downgradient of the site.

Source: Versar, 1994.

Impacts and Mitigation Measures

Significance Criteria

The CEQA Guidelines, Appendix G, states that a project would normally have a significant effect if it would "create a potential public health hazard or involve the use, production, or disposal of materials which pose a hazard to people or animal or plant populations..." The definition, identification, and determination of threshold levels of hazardous materials and wastes are provided in the Code of Federal Regulations (40 CFR) and in the California Code of Regulations, Title 22. Determination of levels of concern is made on a case-by-case basis, although the regulations provide guidelines and minimum requirements for protection of public health and safety with regard to hazardous materials and wastes.

For the purposes of this EIR, impacts on public health and safety are considered significant if the project would:

- Expose construction workers, future project employees and visitors, or the general public to conditions that fail to meet health standards or present an undue risk for health-related accidents; or
- Present hazards to the environment.

Potential Impacts and Recommended Mitigation Measures

Construction-Period Impacts.

Impact H-1: Demolition and clearing at the project site could result in exposure to hazardous materials in existing building materials, such as asbestos, lead-based paint, mercury vapors from fluorescent lights, and PCBs from fluorescent light ballasts. (S)

The development of the Berkeley Courthouse project would require the demolition of all existing structures and paving surfaces, and the excavation of foundations and basement levels in the courthouse building and the new parking garage. This activity would generate solid waste materials from the offices, residences, tire store, and parking areas at the preferred site, or the motel, restaurant, auto repair shop, and parking garage at the alternative site. Each of these properties potentially contain asbestos, lead-based paint, fluorescent light ballasts, and fluorescent light tubes, as well as petroleum from current or previous auto-related uses. Demolition also would generate solid waste in the form of lumber, stucco, steel, and electrical and plumbing fixtures, and other material. Some of this debris would be recycled, as discussed in the Public Services section of this EIR. Paving that would be stripped from the site would include asphalt, concrete, gravel, and soil. Most of this material could also be recycled in some form.

Mitigation Measure H-1: Existing buildings at the site would be surveyed prior to demolition to determine the presence and concentrations of hazardous materials such as asbestos, lead-based paint, mercury vapors in fluorescent light tubes, and PCBs in fluorescent light ballasts. Appropriate measures would be taken in response to the findings, including handling and disposal of the materials in compliance with federal, State and local regulations. Disposal would be performed by certified contractors utilizing the necessary engineering controls in accordance with the applicable regulatory standards. Proper abatement procedures would include methods to control the release of airborne materials such as: containment of abatement activity areas and wetting of the materials being abated; air sampling to monitor the airborne concentrations of asbestos or lead; personnel safety precautions; and proper disposal of any material removed. Hazardous waste workers and the public would be protected from possible exposure through preparation and implementation of required safety plans. The environment would be protected through disposal at regulated facilities designed to handle hazardous waste.

Impact H-2: During demolition and construction at the project site, workers and the public could be exposed to soil, groundwater, and previously unidentified tanks containing hazardous wastes, which would impose restrictions on the handling and disposal of the materials and could result in airborne dust, vapors or direct contact with the contaminated material. (S)

Evidence to date indicates that there is a low possibility of encountering soil and groundwater at the site that is contaminated from previous activity at the site and in the vicinity. However, petroleum-based hydrocarbons and various metals are commonly of concern where gas stations, auto repair shops, parking lots and garages, and similar activities have occurred. As discussed in the Setting section, the project site and alternative site have been subject to these types of uses over the course of the past 100 years. The Framat Lodge and YAS auto repair shop have undergone clean-up. Other facilities do not exhibit evidence of contamination.

Nonetheless, there remains the possibility that previously unknown fuel oil tanks from the early 1900's, abandoned gasoline tanks, or other sources of contamination such as migrating plumes from off-site sources exist or have left residues in the soil and groundwater at the site. In addition, dewatering at the site during excavation could be required due to the relatively shallow groundwater levels (about 20 feet below ground surface). In general, earthmoving or dewatering in contaminated areas, if improperly managed, could directly expose workers, the public, or the environment to soils, soil gases, or groundwater contaminated with hazardous materials or wastes. Migration of gases and/or dust during construction activities could similarly affect the nearby public and the environment. The project site is located in a densely developed area with heavy vehicular and foot traffic, and other public and private properties.

Mitigation Measure H-2: Soil and groundwater excavations would be conducted under the supervision of appropriate professionals and inspectors. If evidence of contamination (e.g. odors, discolored soils, buried piping or tanks) is found, the extent of the contamination would be assessed through appropriate sampling and testing procedures. If additional investigation of hazardous materials in the soil and groundwater were required, the State Department of Toxic Substances Control would require a Preliminary Endangerment Assessment (PEA).

A PEA is a standard part of the site mitigation process "to determine whether current or past waste management practices have resulted in the release or threatened release of hazardous substances which pose a threat to public health or the environment." It evaluates sites contaminated or potentially contaminated with hazardous substances to determine if a removal or remedial action is required. It is the initial step in the overall site mitigation process to abate health or environmental threats. If soil or groundwater are found to be contaminated at action levels, a detailed plan would be developed and submitted to the regulatory agencies for review and concurrence, and to ensure compliance with applicable laws and regulations. Following remediation of the project site, a report would be submitted to the regulatory agencies documenting adequate removal of the soil. A site-specific health and safety plan would be prepared for all stages of the site investigation and remediation, if required. The plans would identify constituents of concern, potential hazards and exposure pathways, personal protective gear for workers, measures for protection of community health, and emergency response procedures.

Operational Impacts. The operation of the Berkeley Courthouse project would not involve the manufacture, use, or disposal of hazardous materials. Maintenance of the facility could require occasional replacement of fluorescent light tubes, cleaning fluids, and minor amounts of lubricating oils and other common maintenance materials. These materials would be handled in accordance with generally accepted practice, including disposal at hazardous waste sites, as necessary.

Demolition of Existing Courthouse Building.

Impact H-3: City reuse of the land on which the existing courthouse is located would require the demolition of the existing building, which could contain hazardous materials including asbestos, lead-based paint, fluorescent light ballasts and tubes. (S)

The existing courthouse facility located on Martin Luther King Jr. Way was built in 1957, and probably contains lead-based paint and asbestos, as well as fluorescent lights and fixtures. No testing to determine the concentrations of these materials has been conducted at the building. The building will likely be demolished after the new courthouse is occupied. The County built and owns the courthouse building on land that was leased from the City for 50-years. That lease expires December 31, 2007, although it may be extended in ten-year intervals.

Mitigation Measure H-3: See Mitigation Measure H-2.

Chapter IV - CEQA-Required Issue Analysis

This section evaluates the cumulative impacts, potential growth-inducement, and unavoidable significant effects of the proposed Berkeley Courthouse project.

Cumulative Impacts

Introduction

According to the California Environmental Quality Act (CEQA), an EIR must discuss cumulative impacts, when they are significant. Cumulative impact refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The discussion is necessary because, although impacts may be individually or incrementally minor, collectively significant effects may occur over time. Projects to be considered in the cumulative analysis include closely related past, present, and reasonably foreseeable projects. Thus, a cumulative impact analysis views a project over time and in conjunction with other related projects.

The discussion of cumulative impacts must reflect the severity of the impacts and the likelihood of their occurrence, but the discussion does not need to provide as much detail as the discussion of impacts of the project alone. Discussion should be guided by the standards of practicality and reasonableness. An EIR can discuss cumulative impacts by using a list of past, present and reasonably anticipated future projects producing related or cumulative impacts, or by using a summary of projections contained in an adopted General Plan or related planning document designed to evaluate regional or area-wide conditions. Reasonable measures should be examined for mitigating or avoiding any significant cumulative effects of a proposed project.

Cumulative Projects

For the purpose of this EIR, cumulative impacts refer to the proposed courthouse project, in combination with other projects anticipated by the City of Berkeley for the downtown / civic center area. These projects are based on the adopted Downtown Plan (1990), and the more recent refinements to development projections for the area prepared by the City of Berkeley as part of the Civic Center Urban Design Plan EIR. Most of these projects are recently approved or reasonably foreseeable as current applications or discussions with property owners. They include a range of retail, office, residential, and institutional uses. In addition to private development, the City is undertaking several projects in the area including the Public Safety Building, Civic Center seismic retrofit, parking garage additions, streetscape improvements, and other Civic Center and downtown area improvements. Those projects are evaluated in the City's Civic Center Urban Design Plan EIR, currently in preparation.

Table IV-1 shows the list of cumulative projects prepared by the City for projecting future traffic patterns and for cumulative project analysis. These projects were used in this EIR's traffic study, which was also applied to the noise and air quality analyses in this EIR. The following discussion provides a summary of the cumulative analysis in the Downtown Plan, and an analysis of the most recent list of projects anticipated for the near term. It should be noted that, in most cases, individual projects will be subject to additional environmental impact assessment as part of the discretionary City approval process, which will address site-specific impacts.

**Table IV-1
PLANNED DEVELOPMENT PROJECTS IN DOWNTOWN BERKELEY**

Site # ¹	Address	Planned Uses	Lot Sq. Ft.	Total Sq. Ft. (incl. parking)	Above Ground FAR	Parking Spaces Added	Existing Floor Area	Floor Area Added	Above Ground Parking Area	Resid. Units Added
1	2000 Block Addison	Theater	25,847	75,000	2.9	—	25,531	49,469	—	—
2	2000 Block Addison	Retail	n/a	5,000	—	—	—	5,000	—	—
3	2161 Allston (approved)	Office/Retail	12,000	49,000	4.1	33	—	39,000	10,000	—
4	2020 Center (approved)	Office	29,000	147,400	5.1	60	9,750	116,650	21,000	—
5	2119-2147 Center	Office/Retail	65,430	261,720	4.0	90	39,765	208,455	13,500	—
6	2131 Durant (approved)	Resid./Retail	21,750	56,400	2.6	43	—	43,500	12,900	199
7	2176 Kittredge	Resid.	21,348	32,000	1.5	20	4,675	21,324	6,000	30
8	2452 Shattuck (approved)	Resid./Retail	5,800	18,000	3.1	—	—	18,000	—	24
9	2060 University	Resid./Retail	14,870	44,000	3.1	—	12,975	31,025	—	10
10*	2090 Kittredge	Library	28,678	120,000	2.4	—	50,000	70,000	—	—
11*	Addison @ MLK	Public Safety Bldg.	—	60,000	—	-104 ²	—	—	—	—
12*	2180 Milvia	City Hall addition	—	—	—	267	20,000	—	—	—
13*	City Oxford Parking Lot	Parking/Retail	50,000	130,000	2.6	409	—	10,000	—	—
Totals			274,723	998,520	3.6	818	167,697	612,423	63,400	263

Source: City of Berkeley Planning Department, 1996.

¹ See Figure E-10 for Site Map.

² Public Safety Building will provide 20 parking spaces on-site, but will require the demolition of a 124-space parking lot.

* Denotes projects which are part of the Civic Center Urban Design Plan.

Impact Discussion

Land Use and Planning. The list of cumulative projects includes over one dozen sites that could be developed or redeveloped, four of which are part of the Civic Center Urban Design Plan. The existing developed floor area at all of the listed sites is about 168,000 square feet. A net increase of about 612,000 square feet is projected, including 263 residential units, plus 818 parking spaces in an additional 386,000 square feet. Total land area at these sites is about 275,000 square feet, resulting in an overall developed floor-area-ratio (FAR) of 3.6, which is comparable to the City's maximum FAR of 3.0 to 4.0 for much of the downtown area.

The main building for the proposed courthouse project would enclose slightly less than 120,000 square feet, on a site of 39,000 square feet, with an FAR of about 3.0. The parking garage could have four or five levels, including underground parking, on a site of about 25,500 square feet, totaling about 100,000 square feet of above-ground space and an FAR of 4.0. The net increase in courthouse-related floor area would be about half this amount because the existing 15,000 square-foot courthouse and 45,000 square feet of existing project-site uses would be demolished. This proposed development is not included in the City's cumulative development list; it would result in the addition of approximately 20 percent in floor area, and 15 percent in developed land area compared to the City's cumulative project list. The project would add between 250 and 350 parking spaces, representing a 30 to 45 percent increase over the amount of parking included in the projected cumulative development list. The project would remove 28 apartments, which represents about 10 percent of the total new housing to be constructed in the area with the cumulative projects.

Therefore, the project, when combined with other approved or anticipated projects in the downtown area, would cause the development and redevelopment of a substantial amount of land, with a high intensity of development and a large number of new parking spaces, with a minimal effect on housing. This trend was foreseen in the City's Downtown Plan, which identified several opportunity sites and encouraged appropriate redevelopment with office and residential uses above ground floor retail, strategic parking garage development, and the enhancement of a theater district along Addison Street. The encouragement of retail and housing will enhance the activity level and diversity of uses, and will mitigate to some degree the loss of housing and smaller scale uses that currently exist at some development sites, including the proposed Courthouse site. Other downtown housing developments are also anticipated, which will partially compensate for the loss of housing directly within the civic center.

In addition, the implementation of the Civic Center Urban Design Plan is expected to focus civic uses in a coherent pattern around the Civic Center Park, thereby preserving sites suitable for commercial development elsewhere in the area. It is expected that the Barra renovation project at Addison and Milvia Streets, another new office development near the YMCA on Center Street, and the City's renovation of the Civic Center Building will also assist in balancing the area's land use mix and enhance the civic/university corridor along Center Street.

Nonetheless, cumulative development of the downtown / civic center area, including the Berkeley Courthouse project, would result in a significant change in land use in the area. This effect is not necessarily adverse, but it is recognized as a significant change that will be addressed by the City and other interested parties as individual development applications are considered.

Urban Design and Visual Quality. The cumulative development of the downtown / civic center area would continue to modify the visual character of the area. Most of the anticipated development projects are on vacant or underutilized land. The intensified development could detract from the area if new buildings do not respect the existing scale and character of the area. However, the Downtown Plan and Civic Center Urban Design Plan include numerous provisions for height and bulk limits, design review, and historic preservation which are likely to apply to the majority of the developments. This may assist in appropriate design character for the sites. However, the overall character of the area would trend toward new designs which could be inappropriate for the area. To the extent that zoning and design controls are applied by the City to private projects and large

government projects are sensitive to the design objectives of the City, the new development will meet the intent of the Downtown Plan and Civic Center Urban Design Plan. Therefore, this cumulative impact is considered significant, but mitigable.

Historic Resources. The City has established numerous policies and programs to affect the identification, documentation, and preservation of historic resources. As discussed elsewhere in this EIR, the City's Master Plan, Downtown Plan, Downtown Design Guidelines, Neighborhood Preservation Ordinance, and Landmark Preservation Ordinance combine to limit the extent of changes that are allowed to the exterior of historic structures, and restrict the demolition of historic structures. The proposed project would result in the demolition of several buildings more than 40 years old, which is the City's threshold for potential historic significance. The project would be constructed in the context of other buildings which are designated landmarks or are of architectural significance to the community. Both of these impacts warrant mitigation on the part of the County, as discussed above in Chapter III.C.

Other projects in the downtown / civic center area would introduce large new facilities into the historic development context of the area, and could include demolition of some older buildings. Several City-sponsored projects, such as the Civic Center Building seismic retrofit and the new Public Safety Building, also present potential impacts to identified landmarks and to the context of the civic center. Therefore, it is likely that there will be cumulative significant effects on historic resources.

The City of Berkeley has the opportunity to minimize these impacts for projects which are subject to discretionary City review. Mitigation for impacts would most likely take the form of site-specific design review. Nonetheless, the overall impact on historic resources in the downtown / civic center area could be significant because the City has the option of allowing projects to proceed despite significant impacts if there are other overriding considerations.

Geology and Hydrology. No significant geologic or hydrologic effects are anticipated due to the flat slopes, stable soils, and existing development intensity in the area. The opening of Strawberry Creek through Civic Center Park presents the greatest hydrologic constraint or opportunity. The creek and culvert are underground through the area, and the creek could be uncovered through the park as a community amenity. In either form, the creek would constrain the development of a new parking garage. The proposed Courthouse project would replace several buildings that could present a higher than average seismic risk with a new courthouse facility and parking garage that would be built to meet or exceed current building codes and standards. Cumulative development in the area would have a similar effect where existing older buildings would be replaced with new construction. Therefore, the net effect on seismic risks would be beneficial.

Transportation. Cumulative traffic impacts are discussed in detail in the Transportation section of this EIR. The analysis finds that cumulative development would cause two intersections to deteriorate from level of service (LOS) B to C in the PM peak hour: Kittredge / Milvia and Bancroft / Shattuck. Development of the courthouse project at the preferred site would not change any intersection levels of service compared to cumulative conditions. Development at the alternative site would change the LOS at two locations: Center / Milvia from C to D, and Bancroft / Milvia from B to C. These changes in level of service would not exceed the City's LOS standard of D, so no mitigation is warranted.

Noise. Cumulative noise impacts could occur due to construction activity at each of the development sites, and due to increased traffic and other activity in the area. The impacts of each of the other projects would be similar to the impacts of the proposed courthouse, in terms of short-term significant noise at adjoining land uses, and long-term traffic and operational noise. Overall, cumulative traffic is expected to result in negligible increases in the measurable noise levels, although the character of the noise environment may change somewhat. The expected development of additional residential units in the area would increase the number of sensitive receptors,

which could lead to increased noise complaints during construction of neighboring projects. This is largely an unavoidable impact, although it could be relatively short-term. Site-specific noise mitigation would likely be required for each project. Nonetheless, construction noise is considered a potentially significant, unavoidable cumulative effect.

Air Quality. Cumulative air quality conditions are projected to improve over existing conditions due to the effect of improvements in vehicle emission controls, even with a slight increase in traffic volumes. The balanced land use patterns that would result from local commercial and housing development could further reduce vehicle trips, which would have a net beneficial effect on the total vehicle miles traveled. Localized dust impacts would occur during demolition and construction at individual project sites. This impact could likely be mitigated with the implementation of standard dust control practices. None of the cumulative projects appear to be large enough to individually exceed the threshold of significance established by the Bay Area Air Quality Management District. Therefore, the cumulative impact on air quality is not considered significant.

Hazardous Materials. Several opportunity sites for development that were identified in the Downtown Plan were also identified as having past or current hazardous materials concerns, whether from underground storage tanks, prior land use activities, or building materials and contents. Each development site under cumulative conditions will be subject to review by qualified professionals to determine the need for site clean-up and/or materials disposal. The redevelopment of these sites would improve overall conditions in the downtown by eliminating existing hazards. Proposed land uses generally would not involve the manufacture, use, or disposal of hazardous materials, so new risks would be minimized. The proposed courthouse project would similarly involve the cleanup of any hazardous waste found at the site, and would not introduce new sources of materials or waste. Therefore, the cumulative impact on hazardous materials is considered less than significant.

Growth Inducing Impacts

A growth-inducing impact is one which could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. According to CEQA, the analysis should also consider project characteristics that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. These characteristics are most often related to extending services and infrastructure to areas previously under-served, or in policies and programs that remove major obstacles to development and growth.

The Berkeley Municipal Courts are currently located in a County-owned building of about 15,000 square feet, and about 15,000 square feet of leased office space in the vicinity of the preferred and alternative project sites. The proposed Berkeley Courthouse project would result in the vacancy of all of this space. It would also require the vacancy and demolition of existing buildings on the project site parcels. The main group of parcels currently contain about 45,000 square feet of floor area occupied by offices and a language school, plus 16 apartments, with about 15,000 square feet of this space currently vacant. The parcels that would be acquired to develop the proposed parking garage contain about 5,000 square feet of offices, plus 12 apartments, and a tire store.

Overall, the Courthouse would result in a net increase in developed area of about 60,000 square feet of office-type space, plus a parking garage for between 250 and 350 vehicles. There would be a net loss of 28 apartments at the project site; however, the County is assisting in the development of a new 34-unit apartment complex on University Avenue to replace these units. Some of the existing tenants at the project site could relocate to those units, or would be relocated to other available space in the general vicinity. Therefore, there is not a significant loss or gain of housing units in the area due to the project.

The Berkeley Courthouse project is estimated to increase employment at the courts from 69 to 151 persons. Existing employees live throughout the Bay Area, and it is reasonable to assume that this pattern of residence

and employment dispersion will continue. In addition, jurors for the combined Municipal/Superior Courts would be drawn from a larger area of the County compared to the current Albany-Berkeley jurisdiction. Similarly, employment of construction workers would be short-term and could draw from a large area. Therefore, the effect of increased development and employment at the courthouse is expected to be dispersed over a large area, in which regional transportation, education, recreation, wage/cost, and other factors play important roles in individuals' choice regarding the place of residence and employment. This is not considered a significant effect of the project or cumulative development within the civic center area.

Local businesses could be affected in a slightly positive way due to the increased activity at the courthouse, with more jurors, attorneys and related visitors at the site who could patronize local restaurant, photocopy, retail shopping, and other business establishments. This increased service demand would be in the context of a downtown area already heavily influenced by institutional employment at the University of California, City government, and other stabilizing influences. An increase of 80 employees out of about 8,000 in the downtown area would not be significant either individually or cumulatively. An increase from about 1,500 to 2,300 daily person trips to the courthouse could be noticeable in the immediate area, and could have beneficial effects on business, but would not be likely to result in substantial growth in the area beyond what is already projected.

Therefore, no significant growth inducement is expected as a result of the proposed project. The project will accommodate the demand placed on the court facilities due to past and future growth in caseload, and will not result in a substantial loss or increase in other development.

Significant Unavoidable Environmental Impacts

According to CEQA, a project may be approved despite significant adverse environmental effects that are not mitigated, if the approving agency finds that there are specific benefits that outweigh the unavoidable effects. A "statement of overriding considerations" is required, setting forth specific reasons for balancing those competing policies and factors. In this case, some factors to consider include:

- the project provides for the space needs and services that were identified in 1987 by the Judicial Council as being of great importance to the efficiency and safety of the court's operations;
- the project addresses the Judicial Council's Rule of Court 991 adopted in 1995 that requires certain actions and encourages additional measures to coordinate and consolidate municipal and superior court functions;
- the conceptual floor plans are designed to accommodate a central circulation core and appropriately sized court modules, offices, security-related facilities, and public access areas, which results in the need to demolish certain structures of interest to the community (Framat Lodge, apartments);
- the lack of a new courthouse development project could require the relocation of the municipal courts to consolidate with an existing or new superior court elsewhere in the County, which would lead to less service being available directly to the communities of Berkeley and Albany;
- the eventual relocation of courts to another location could result in less efficient operations for the courts and for jurors and others with business at the courts if the facility must consolidate into inadequate space;
- retention of the existing courthouse building would conflict with the City's plans for the area, specifically due to the adjacency to the new Public Safety Building.

This EIR identifies mitigation measures that would minimize or avoid most of the identified impacts that could occur as a result of the project. For example, landowner and tenant compensation and relocation, construction practices, design review, and off-site traffic improvements will provide a means of reducing impacts to a less than significant level. Nonetheless, the project will result in some short-term impacts at neighboring development due to construction noise, and will result in the loss of a building identified as architecturally significant.

Therefore, the County will likely need to make findings of overriding consideration as part of project approval, due to the unavoidable significant impacts of the project.

V - Alternatives

Introduction

CEQA Requirements

The California Environmental Quality Act (CEQA) and the CEQA Guidelines require public agencies to consider a range of reasonable alternatives to the project, or to the location of the project, which would avoid or substantially lessen the significant effects of the project, and evaluate the comparative merits of the alternatives. These alternatives should be considered even if they would impede to some degree the attainment of the project objectives, or would be more costly. Alternative locations should be considered on the basis of whether or not they could avoid or lessen any of the significant effects of the project. However, the EIR need examine in detail only those alternatives that the lead agency determines could feasibly attain most of the project objectives.

Feasible is defined in CEQA as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. Among the factors that may be taken into account when addressing the feasibility of alternative sites are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. However, no one of these factors establishes a fixed limit on the scope of reasonable alternatives.”

In conformance with CEQA, this EIR explains the reasons for selecting the alternatives to be considered, and for rejecting certain alternatives from further evaluation. The EIR includes sufficient information about each of the alternatives being considered to allow meaningful evaluation, analysis, and comparison with the proposed project. If an alternative would cause one or more significant impacts in addition to those that would be caused by the project, those effects should be discussed, but may be discussed in less detail than the significant effects of the project as proposed. An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative.

In addition to variation in the project design or location, the “No Project” alternative must be evaluated in an EIR. According to CEQA, “No Project” includes the continuation of existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and services.

CEQA requires that an environmentally superior alternative be identified from among those considered in the EIR. If the environmentally superior alternative is the No Project alternative, the EIR should identify an environmentally superior alternative from among the other alternatives.

Brief Project Description

This project description summary is intended to assist in comparing the alternatives with the project as proposed. A full project description may be found in Chapter II of this EIR, which may be referred to for additional detail.

The proposed project site is located in the civic center of downtown Berkeley. The main site is bounded by Martin Luther King Jr. Way (MLK Way) on the west, Center Street on the south, and Addison Street on the north. A parking garage also would be constructed north of Addison Street, at the corner of MLK Way.

The main portion of this development site comprises four privately-owned parcels with a total area of about 39,000 square feet (0.9 acres). Existing development on these parcels includes a 16-unit apartment building, a PG&E customer service center, a private language school, and an office building (currently vacant due to unreinforced masonry). A second part of this site includes three parcels located north of Addison Street at MLK Way, totaling 25,000 square feet and developed with a tire store, offices, and 12 apartments. The Veterans Memorial Building is located on Center Street, and a 20-unit apartment building is located on Addison Street immediately east of the site.

An alternative site has also been considered throughout the text of this EIR, commonly referred to as the "Hink's Garage Site." That site is bounded by Kittredge Street to the north, Milvia Street to the west, and Bancroft Way to the south. Neighboring development to the east includes the Berkeley Public Library and the UA Cinema. The alternative site includes five privately owned parcels of land that cover 2.3 acres (99,000 square feet) and are developed with a two-story parking garage, two surface parking lots with 60 and 40 spaces respectively, a 12-room motel, a restaurant, an office, and an auto repair shop.

Alameda County proposes to purchase the project site land and buildings, compensate and/or relocate residents and businesses, demolish existing development, and construct and operate a new courthouse facility with nine courtrooms, plus related uses such as the clerk of the court, public defender, and district attorney. The total gross square footage of the new building would be about 120,000 square feet, plus a sallyport for transferring prisoners from buses to the holding facilities, and secure and public parking. Secure parking for courthouse staff (about 25 to 30 vehicles) would be provided in an underground garage directly under the main courthouse building. Public parking for up to 350 vehicles would be provided in a new garage structure located across Addison Street. This parking would be provided to accommodate existing and future demand for parking, including employees, jurors, and other visitors to the facility, and to alleviate potential impacts of parking on residential neighborhoods near the project. At the alternative site, additional parking would be provided to replace a parking garage and the parking lots at the site which currently serve the downtown area.

Existing court space in downtown Berkeley would be vacated after the new courthouse is completed. The Berkeley / Albany Municipal Court currently occupies a two-courtroom County-owned building on City-owned land on the block bounded by Martin Luther King Jr. Way (MLK Way), Addison Street, McKinley Avenue, and Allston Way. Three other courtrooms (including traffic court) are located in an office building at the corner of Center Street and Milvia Street, one block east of the main courthouse building. Some of the Court's administrative functions are located at a third site at 2070 MLK Way. The total existing floor area occupied by the court is about 30,000 square feet. The main existing Courthouse building (on City-owned land) would likely be demolished after construction of the new facility to provide an area of open space or vehicular access near the proposed City of Berkeley Public Safety Building. The County's land lease at that site expires at the end of year 2007. Other buildings currently occupied by the Courts are privately owned, and so the space would become available for lease to other parties after the County relocates to the new courthouse.

Alternative Selection Process

Site Selection and Evaluation Process

In 1988, the County contacted City representatives to negotiate an expansion of the existing courthouse, located on City land, partly in response to a 1987 report by the Judicial Council of California that identified numerous shortcomings of the existing facilities. Several items of interest were expressed by the City and neighbors, including the height and massing of the new building, exterior design treatment, traffic, parking and access, prisoner transport, existing City services and parking on the site, phasing, and social/economic impacts. It was also noted that the City intended to prepare a Civic Center design plan that could have some bearing on the design of the new courthouse.

Based on information obtained from the community, a public process of alternative site identification and analysis was begun by a subcommittee of the Berkeley Planning Commission, essentially a task force that included representatives from Alameda County. By the end of 1989, 24 potential sites had been identified and screened for suitability based on a list of criteria developed by the City with input from the County. Of those, eight sites were considered potentially suitable; five of these were examined in more detail by a local architect based on general design parameters for courthouse development used elsewhere in the County. Several of the downtown sites are shown in *Figure V-1*.

In July of 1990, the County communicated to the City that, of the sites being considered, the Hink's Garage and neighboring parcels would form the most appropriate site for a new courthouse in downtown Berkeley. The existing courthouse location was considered unacceptable for expansion. The Berkeley Planning Commission also adopted a recommendation to the City Council that found the Hink's Garage Site acceptable. The four other sites in the downtown were considered less desirable due to various limitations, but were considered acceptable as alternatives. The Planning Commission generally recommended against expansion at the existing site as an alternative. (An additional site in west Berkeley was found to be unacceptable; and another possible site, at the Ashby BART Station parking lot, was also considered and rejected due to concerns expressed by the City, County, and BART in 1992.)

The Berkeley City Council in October of 1990 adopted a resolution that deleted the existing courthouse location from consideration, recommended the Hink's Garage Site as the most desirable location for a new courthouse, and left the four other sites on a list of feasible alternatives. Several of those sites have since been redeveloped or are the subject of private development interest, and so are no longer available for reconsideration as a courthouse site. In addition, the program for the new courthouse has been refined and includes several more functions than had previously been considered, which increases the amount of floor area that would need to be accommodated. The project's trip generation and parking demand also have been revised, and have increased compared to earlier estimates. Therefore, many of the sites considered earlier in the process are too small to meet the needs of the courts and parking.

New Project Site Identified

Alameda County prepared a draft program for the new courthouse based on the departments and services to be housed, projected parking demand, and anticipated needs regarding site planning, adjacencies, and parking replacement. In September of 1994, that draft program was completed and discussion began regarding environmental review for project development at the Hink's Garage Site.

The first Notice of Preparation for this EIR identified the proposed project site as the Hink's Garage, with a possible alternative at the "Existing Site." That is, the only known alternative was a new courthouse that would be developed as an expansion or completely new building in the same location as the existing courthouse building.



ALTERNATIVES CONSIDERED DURING SITE SELECTION

The County considered this to be the only viable alternative because all of the other alternative sites had been studied and were found wanting in terms of availability, land area, access, adjacent development, and/or location.

In April of 1995, the City of Berkeley formally began a process of defining a work program for preparing a Civic Center Urban Design Plan, with the stated intent of coordinating the development or renovation of several large public facilities in the area. The new courthouse was one of the projects that fell within the scope of the urban design plan area, as were the Public Library, City Hall, Veteran's Building, and Public Safety Building. A courthouse represents one of the key components to any civic center, and includes a large investment of funds and potential for spin-off activity at local offices, restaurants, and other local business establishments. In the case of the Berkeley Courthouse, the project seemed to be tied to one particular site, at the Hink's Garage, although the actual site plan was still being developed.

Later in 1995, the Berkeley City Council endorsed a draft Civic Center concept to be further refined and subjected to environmental review. The concept was based on the work of consultants, a citizens' task force, public workshops, and review by the City's Planning Commission. It expressed, among other things, a preference for the new courthouse to be located on Center Street facing the Civic Center Park in order to maintain the focus of civic uses on the park and to complete the "urban room" created by buildings surrounding the park. Several design concepts were considered to accomplish this, but the precise parcels, design character, and other aspects of the project were not defined in the concept plan. Development of a new courthouse at the Existing Site was found to be infeasible due to the City's need to rebuild its Hall of Justice and Fire Department Administration buildings on the parking lot north of the existing courthouse. Site plan studies and the draft Civic Center Urban Design Plan indicated that the combined height, massing, and parking of the City and County buildings could not be suitably accommodated on the Existing Site. Alameda County staff participated in this process and eventually endorsed the concept of locating the Courthouse in the Civic Center, with the caveat that the site should not present any more difficulties for development than were present at the Hink's site.

The City's concept plan identified the Hink's Site as a viable alternative location for the new courthouse, but issues such as making land available for future library expansion and replacing the public parking supplied at the site were identified and needed to be resolved. Therefore, the Planning Commission recommended the refinement of a concept plan that included room for library expansion onto a portion of the Hink's site, placement of the courthouse on Center Street, and possible development of underground parking at Civic Center Park. Early concepts of putting the new Courthouse within or behind the Veteran's Memorial Building were eventually abandoned as being impractical based on the building's status as a City landmark and the City's recent investment in a men's shelter in that structure's basement. Similarly, the concept of developing parking underneath the Civic Center Park does not appear to be a viable solution due to several design constraints and community concern about the affect on the park's design and use.

In late 1996, the City prepared a more refined Civic Center Plan, presented in the form of a poster. That concept plan includes a representation of the County's final program for the Berkeley Courthouse project, which was completed in May 1996. As a result of about ten years of study and discussion, the County has now refined the project concept, selected a site with clear direction given by the City as to a preferred location, and addressed issues of concern through coordination with the City's planning efforts for the Civic Center. This EIR provides environmental documentation to describe the effects of the preferred project, and mitigation that could be necessary for development of the Civic Center site or Hink's Garage alternative.

The following section provides a discussion of several alternatives to the proposed development at either the Civic Center site or the Hink's Garage site. Although the Civic Center site is the preferred location, the Hink's Garage site has been analyzed throughout this EIR in detail sufficient for it to be considered equally with the proposed project site. The following discussion evaluates site plan variations at both sites that could achieve

most of the project objectives, and could lessen or avoid certain impacts of the project as currently proposed. However, these alternatives may also have effects similar to or greater than the Project, as described below.

Summary of Alternatives Evaluated in This EIR

The proposed configurations for the project at the Civic Center site and at the Hink's Garage site have the potential for variation during the next phases of design development. The most likely variations are identified and evaluated in this EIR, but other options or some combination of options may also be feasible and could ultimately be selected as the final project design. Variations include, and are not limited to, the parcels of land to be acquired, the height and orientation of the courthouse building(s), the internal arrangement and adjacencies of uses, the uses that are included in the main building, the number and location of parking spaces, and open space/pedestrian areas.

The following analysis is intended to address each of the alternatives in detail sufficient to facilitate an informed decision about the possible selection of any one of the alternatives or their variations as the preferred project. In this way, the County will be able to proceed with final design and construction based on a comprehensive review of the options available, and with flexibility to address constraints that may arise during property acquisition, design, and construction.

The alternatives analyzed in this EIR are:

- No Project, or status quo, at least for the short term. The Berkeley-Albany Municipal Court would continue to operate in its existing facilities for the foreseeable future, and the Superior Court would not move any functions to Berkeley. Eventual relocation of the courts would be required to meet the pressing needs of the local courts, which could lead to a loss of service access in the local community. No Superior Court functions would be integrated into the local court system. Other public or private development could instead occur at the sites being considered for the Project.
- Alternative Site Plans at the Civic Center Site, which would include a different group of parcels from those currently proposed, but with the primary orientation still facing the Civic Center Park. Several of these variations would avoid demolition of the building at the corner of Addison Street and MLK Way, but could potentially demolish another apartment building on Addison Street and/or occupy an existing parking lot on Addison Street. Also considered are different parking garage configurations on Addison Street to reduce the amount of land, businesses and apartments that would be acquired, and alternative building heights.
- Alternative Site Plans at the Hink's Garage Site, which would reconfigure the courthouse and parking garage on the site to orient the building toward Milvia Street. Three options were evaluated during the project programming study. One of these plans (Plan A) has been considered as the alternative plan throughout this EIR because it best responds to the site and court needs. The other two plans are considered in this EIR as options to illustrate the possible variation in the project's design during the design development stage.
- Alternative Parking Provision, which could include County participation with the City and/or others in the development of a parking garage to serve the needs of specific projects and the general public. Possible sites include, but are not limited to, the Berkeley Unified School District's tennis courts, the City of Berkeley's Oxford lot, expansion of the City's Center Street garage, or underground parking at the Civic Center Park.

No Project

Description

The No Project alternative would retain the “status quo” at the project sites and at the Berkeley-Albany Municipal Court (BAMC). Although existing land uses at the project sites would remain in place for the foreseeable future, some form of development could occur under the auspices of another agency or property owner. Several of these properties appear to be underdeveloped, based on discussion in the City’s Downtown Plan which encourages more intensive development at several locations on the project site and alternative site.

The existing court facilities are distributed around the Civic Center area at three sites, described in Chapter II. According to a report prepared in 1987 by the State of California Judicial Council, the BAMC is operating in severely deficient space that does not meet the every-day needs of staff and Court services. Under the No Project alternative, no significant changes would occur at the existing facilities, and no new facilities would be provided. The existing facilities could be improved to some degree to provide more modern equipment, meet accessibility standards, and reduce the amount of serious damage that might be caused by a large earthquake, and the courts could continue functioning as they have been. However, services would continue to be distributed in several locations, and no additional space would be available for remedying existing deficiencies or for adding functions of the Superior Court at the local level. Eventually, a new courthouse will be needed at the local level, or services will need to be relocated and possibly consolidated with other courts at the County level.

Another consideration related to the No Project alternative is the City of Berkeley’s proposed Public Safety Building, which will be located immediately north of and adjacent to the existing courthouse. This facility will include police and fire department administrative functions, a jail, and an emergency operations center. The project would be phased so that existing City buildings elsewhere on the block would continue to be occupied during construction, and then would be demolished to make way for a new parking lot or park area. The existing courthouse would remain in place during construction of the new City facility, but it is expected to eventually be demolished and replaced by an open pedestrian and park area. The No Project alternative would require the existing courthouse to remain in place for the foreseeable future, i.e. through the duration of the City/County land lease, which expires at the end of year 2007 and includes the option of five ten-year extensions at the discretion of the County.

Environmental Effects

The No Project alternative would avoid all of the direct and indirect effects that could occur due to development of a new courthouse and parking garage at the proposed project site or alternative site. However, No Project would result in lost opportunities to improve existing conditions for the Courts, would not assist in implementing the City’s goals for the Downtown and Civic Center area, and would result in several significant adverse effects in addition to those identified for the proposed project.

Land Use and Planning. The proposed project would remove existing land uses and replace them with a large new institutional building into the downtown / civic center area that would add floor area, uses, and staff for the courts in Berkeley. No Project would avoid these changes. However, the project’s effect on local land use patterns is not a significant environmental effect, so No Project would not be necessary to avoid a significant impact related to growth in the Civic Center and downtown area.

The project could affect immediate neighbors during construction and operations of the new courts and parking garage. No Project would avoid these potential land use conflicts. However, the Project could also incorporate mitigation measures that would minimize this impact, so No Project is not necessary to avoid this impact.

The proposed project would require the acquisition of numerous private properties, relocation of existing land uses and tenants, and demolition of existing structures. With No Project, the project site parcels would remain in their current use for the foreseeable future. Some of these uses are not considered the “highest and best use” of the property, considering their location at the Civic Center or in the City’s downtown area. Eventual private development could occur under the provisions of the City’s Downtown Plan or Civic Center Plan. Some of these properties are already identified as “opportunity sites” for more intensive development, with the expectation that a market exists or will eventually exist for more intensive residential, retail and office space at these locations. No Project would avoid the County’s acquisition and demolition activity, but would not preclude others from undertaking similar projects. The project includes a program of compensation and relocation, in accordance with applicable law. The County is also assisting in the development of a new apartment development on University Avenue near the site which will replace many of the housing units to be demolished.

The proposed project would lead to the vacancy of existing private office space currently occupied by the courts in the Civic Center area. No Project would result in the County continuing to occupy leased areas, keeping them off of the market for general office use, unless the County consolidated functions into another facility. This is not considered a significant impact of the project, since the amount of office space is relatively small and the market is able to respond to demand by improving or adding to existing office areas. No Project would not add to or avoid a significant impact of the project related to office space vacancy.

The project would exceed the City’s basic 40-foot (3-story) height limit for the Downtown Plan’s C-2 transitional zone, and could exceed the “bonus” height limit of 60 feet. The project would not exceed the established floor area ratio of 3:1 for above-ground space in the Courts. No Project would avoid this inconsistency. Although no new construction would occur in the short term, there would still be the possibility of another public or private entity proposing a project at one or more of the properties. Any private development at these sites would be subject to discretionary review by the City, and would either comply with the basic height limit, obtain a height bonus for including housing units, or obtain a height variance. A public project could exceed the height limit in some circumstances, similar to the Courthouse.

A new environmental impact created by the No Project alternative is the land use conflict at the existing courthouse site. The City’s new Public Safety Building (PSB) and associated parking is expected to be built in the next few years, immediately north and east of the existing courthouse along MLK Way. Public open space, pedestrian connections, and parking and circulation for both facilities would be adversely affected for as long as the existing courthouse building remains. Access and parking for the existing courthouse are expected to be significantly affected by the development of the PSB, so the continued operation of both facilities is not considered a viable alternative.

In addition, the courts would not be able to fulfill a strong functional role in the life of the Civic Center if the services continue to be spread around the area or have to be relocated to another area, and the City’s Civic Center Urban Design Plan does not consider the status quo as a viable option for land uses such as the Courts and Public Safety Building. The Courts plan to continue to integrate superior court functions and improve public access to the judicial system with the new project as a public service entity. No Project would result in the loss of local access to the court system.

Urban Design. The proposed project would substantially change the existing character of the project site. In general, the change is considered beneficial because the site as currently developed is a mixture of uses and architectural styles that contributes little to the urban fabric of the Civic Center or downtown areas. Mitigation is proposed to ensure a compatible design and sensitive treatment of the project’s civic frontage, the MLK Way gateway, parking garage, and service areas. No Project would leave the site essentially unchanged except for minor renovations or eventual redevelopment that might be undertaken by others. The existing courthouse also would remain in place, which could be considered a visual impact of this alternative because the existing building

does not contribute to the Civic Center theme of classical, Beaux Arts and Moderne buildings and would result in a crowded and incongruous development pattern on Martin Luther King Jr. Way after the new Public Safety Building is built. Therefore, No Project would not avoid a significant visual impact of the project, and could lead to additional impacts on the area's character.

Historic Resources. Previously unknown archaeological resources could be uncovered by development of the project. Mitigation is included in the project. No Project would avoid the potential disturbance, but no impacts are anticipated so no substantial benefit would occur from selecting the No Project alternative. The proposed project would require the demolition of an architecturally "significant" building (Framat Lodge) as described by the City's Design Guidelines. The building is not formally designated as a City landmark and does not appear to possess the necessary characteristics for listing on the National Register. Two other architecturally interesting buildings from the 1890's and 1920's also would be demolished. The County proposes mitigation measures, including documentation and possibly moving the smaller buildings, but the impact is considered significant and unavoidable/unmitigable.

The project would be constructed in close proximity to several official City landmarks and within an area potentially eligible for designation as a historic district. The project could affect the overall civic architectural character of the area; however, it will be subject to further design refinement, which will provide the opportunity to ensure design compatibility with neighboring buildings and the "historic district" as a whole. No Project would avoid potential conflicts of the new courthouse, but would not address other development that could occur, in a piecemeal fashion, at the project site, or the incompatibility of much of the existing development on the project site. This could be considered a significant adverse impact of No Project if it affected the eligibility of the area for designation as a historic district.

Geology and Hydrology. The project could result in temporary localized erosion at the development site and at the existing courthouse site (immediately following demolition). Erosion control would be implemented to reduce this impact to a less than significant level. No Project would avoid this potential impact, but is not necessary to mitigate the impact. The proposed project would continue to attract people into an area subject to violent seismic shaking. However, the project would provide a relatively high degree of safety after mitigation because the new facility would be constructed to meet or exceed current building codes. No Project could expose people to a higher potential risk because the existing buildings in which the courts are located are not built to conform with the most recent codes, although some seismic retrofitting has been done in some locations and there is no imminent hazard associated with these structures. Stormwater runoff from the proposed project site is already intense due to the fully developed character of the area. No significant impacts to groundwater or water quality would occur with the proposed project or No Project.

Transportation. The proposed project would increase the level of activity at the courthouse by consolidating uses currently dispersed in the area, and by adding new courtrooms and other services. This would increase the number of trips to and from the facility, would concentrate the trips in one location, and would increase the demand for parking. The intersection of MLK Way and Addison Street is proposed to be signalized as part of the project to facilitate access to the new parking garage and sallyport on Addison Street. No other intersection mitigation is warranted. The project would provide a new parking garage for staff, jurors, and visitors, which is expected to alleviate much of the existing congestion in the neighborhood immediately west of the Civic Center caused by overflow parking. The No Project alternative would not increase the number of traffic trips or demand for parking in the immediate area, but it would not address existing parking deficiencies experienced by staff, jurors, and visitors, and the effect on neighboring residents. In addition, the City's Public Safety Building project will require the relocation of parking that is currently used by Court staff on City land near the courthouse, which could further exacerbate the problem. Therefore, No Project would cause the continuation and possible exacerbation of an existing parking problem.

The project would also increase pedestrian and bicycle activity in the area. The project could include certain pedestrian-scale amenities and off-site improvements as mitigation, as well as on-site bicycle parking and showers/lockers for employees. No Project would avoid the intensification of activity, thereby reducing the need for improvements. However, the City of Berkeley is already considering the need for a traffic signal and sidewalk improvements on Center Street to address existing issues. Therefore, No Project would not avoid the need for general pedestrian-oriented improvements in the Civic Center.

The project would likely increase ridership on transit (bus and BART) because of the close proximity of the sites to the downtown transit center. The County also would provide information about transit and would encourage its use as part of jury summonses. These are considered benefits of the project. Therefore, No Project is not needed to avoid a significant project impact on transit.

Development of the project at the Hink's Garage site could interfere somewhat with bicycle travel on Milvia Street due to the increase in traffic. No Project would avoid this potentially significant impact.

Noise. Noise impacts due to demolition, construction, and operation of a new courthouse would be significant, but largely mitigable at the Civic Center and Hink's Garage project sites. Some demolition and construction noise impacts would be unavoidable and significant. No Project would avoid any construction-related noise impacts on adjacent uses such as the Veteran's Memorial Building, Public Library, residences, and offices. This would be a beneficial aspect of the No Project alternative. Traffic noise impacts are not significant for the project, so No Project would not be necessary to avoid an identified impact. General activity at the new facility would add to the noise levels experienced primarily by immediate neighbors. The project will include barrier walls or other measures to reduce the noise from buses, cars, and other sources to the extent feasible.

Air Quality. The project would create dust during demolition and construction, and would result in increased vehicle trips which would contribute to local pollution levels at intersections, within the parking garage, and at adjacent land uses, as well as contribute to regional pollutant levels. These impacts would be less than significant for the project after mitigation. No Project would avoid the project-specific impacts, but the alternative could have unintended effects by forcing the continuation of existing parking patterns in the residential areas near the Civic Center and the resulting inefficient vehicle circulation patterns. In addition, No Project could lead to the eventual consolidation of the Courts in a location outside of Berkeley, which would result in more travel for jurors and others conducting business with the courts, and therefore could result in worse overall air pollution impacts.

Hazardous Materials. The existing structures at the project site and alternative site are likely to contain potentially hazardous materials, such as asbestos, lead paint, fluorescent lights, etc. These materials would be handled and disposed of according to industry standards and applicable law. No hazardous materials would be encountered during demolition or construction activity if No Project was undertaken. Existing materials would be left in place, whether underground or in existing buildings at the Civic Center or Hink's Garage site. The existing courthouse may need to undergo asbestos clean-up if it continues to be used, although existing asbestos hazards have been addressed as individual maintenance projects have been completed. If the building is not demolished, then florescent lights, ballasts, and other potentially hazardous materials would not be disturbed. In general, No Project does not present particular benefits compared to the project as proposed and mitigated.

Alternative Feasibility

The No Project alternative is considered infeasible due to the following economic, legal, and social factors.

Economic. No Project would avoid the immediate costs associated with the development of a new courthouse facility, which could make funds available for other purposes. For example, funds could instead be used to make improvements to existing facilities to meet the most pressing needs of the Courts and to assist in meeting

accessibility, security, and seismic safety standards. However, staffing efficiency, court services, and public interaction with the court system would generally suffer and typical costs of operations would probably rise faster than normal due to the inefficiencies inherent in the existing facilities in Berkeley. In addition, any future courthouse development project that might be implemented as part of the coordination of Municipal and Superior Courts would likely have higher costs due to inflation. Another project would also result in the loss of investments already made over the past ten years in planning and designing the current project.

Legal. The Judicial Council has adopted California Rule of Court 991 to guide the administrative consolidation and judicial coordination of the Municipal and Superior Courts within each county. No Project would have severe adverse effects on the ability of the Berkeley/Albany Municipal Court (BAMC) to fulfill its mission, and for the trial courts of Alameda County to comply with the requirements of CRC 991.

Social. No Project could lead to the eventual consolidation of the Municipal and Superior Courts outside of the Berkeley/Albany court's existing jurisdictional boundaries due to the limited number of suitable sites that are available in the area. This would be in conflict with the general principle of providing judicial services at a level that is representative of and responsive to the population being served, and inefficiencies for persons who reside in Berkeley and Albany and are called to serve on juries or must otherwise conduct business with the courts.

It would also conflict with the County's on-going efforts to comply with the mandates of California Rule of Court 991 related to administrative consolidation and judicial coordination at the County level. Consolidation of the Berkeley/Albany court with a facility outside of Berkeley could also result in additional crowding in other Court facilities, which lack adequate space for more departments. Some form of change would likely be required prior to the expiration of the City/County land lease for the existing facility, which expires at the end of year 2007. The Courts cannot continue to operate in the existing facilities indefinitely, and there are siting conflicts between the existing courthouse building and the new Public Safety Building. The PSB is expected to be completed by the year 2000.

Conclusion

Although the No Project alternative would reduce or avoid several impacts of developing a new courthouse at the project site (possible exceedance of City height limits, demolition of a historic building, demolition of a total of 28 apartment units, relocation of residential and commercial tenants, increased traffic and parking demand, construction-period noise and dust), the majority of the impacts of the project could be substantially reduced through other means, as discussed in Chapter III of this EIR, or through the implementation of a project at the alternative site ("Hink's Garage"), or through the implementation of one of the other site plan alternatives discussed below.

The No Project alternative would also have several significant impacts in addition to those of the project, specifically: continued inefficiencies in courthouse operations, land use conflicts with the Public Safety Building and City Hall, and parking deficiencies.

Therefore, No Project is not considered a feasible alternative, nor is it environmentally superior to the proposed project except for the avoidance of the demolition of several buildings with some value to the community. The impact of demolishing the Framat Lodge is considered a significant and unavoidable impact of the project.

Civic Center Site - Alternative Site Plans and Garage Plans

Main Site Configuration

The project as proposed would occupy the entire frontage on the eastern side of along MLK Way between Center Street and Addison Street, and a portion of the frontage between Addison Street and University Avenue. Development of this site as currently proposed would require the acquisition of four properties for the courthouse site and three properties for the parking garage, demolition of existing buildings including the Framat Lodge (an architecturally “significant” building), and a 16-unit apartment building of some architectural interest, and the construction of a new courthouse in excess of City height limits. The currently proposed site plan also would result in noise and dust impacts at an adjacent 20-unit apartment building during project construction.

Five alternatives are shown in *Figures V-2 through V-6* and described in *Table V-1*. These alternative configurations include or exclude certain properties along Addison Street in an effort to address the impact of demolishing the Framat Lodge, the adjacency to existing apartments, and the height of the proposed building. Alternative plans for the parking garage site are considered separately, below.

Alternative Plan A would be a consolidated site plan requiring the acquisition of only three properties. The Framat Lodge and it’s parking lot would not be acquired, limiting the site area to about 29,000 square feet compared to the proposed plan’s 39,000 square feet of land. This could require the project to add another floor, to consolidate several functions into smaller areas, or to reduce the amount of circulation space provided for the public. No site access would be provided from Addison Street, which would require a reconfigured vehicular circulation plan for secure underground parking and the sallyport driveway. The driveway would further reduce the amount of land available for development.

Alternative Plan B would remove one property from the proposed site and add another property in its place. Overall, the plan would encompass about 33,000 square feet, midway between Alternative Plan A (29,000 square feet) and the proposed Project site (39,000 square feet). This plan would not include the Framat Lodge building, but would include the Framat Lodge parking lot and the adjacent 20-unit apartment building at 1912 Addison Street. This would essentially add a “dog leg” out toward Addison Street to provide a through connection between Addison Street and Center Street and replace some of the lost land area. A through connection is important for access to underground parking and for a drive-through sallyport. However, it would require an irregular floor plan and could increase the amount of required public and/or secure circulation space. Because the Plan B site would be smaller than the proposed site, the building could have to be developed with slightly consolidated functional areas, smaller public circulation areas, or other compromises in the design, and possibly another floor level on part of the site.

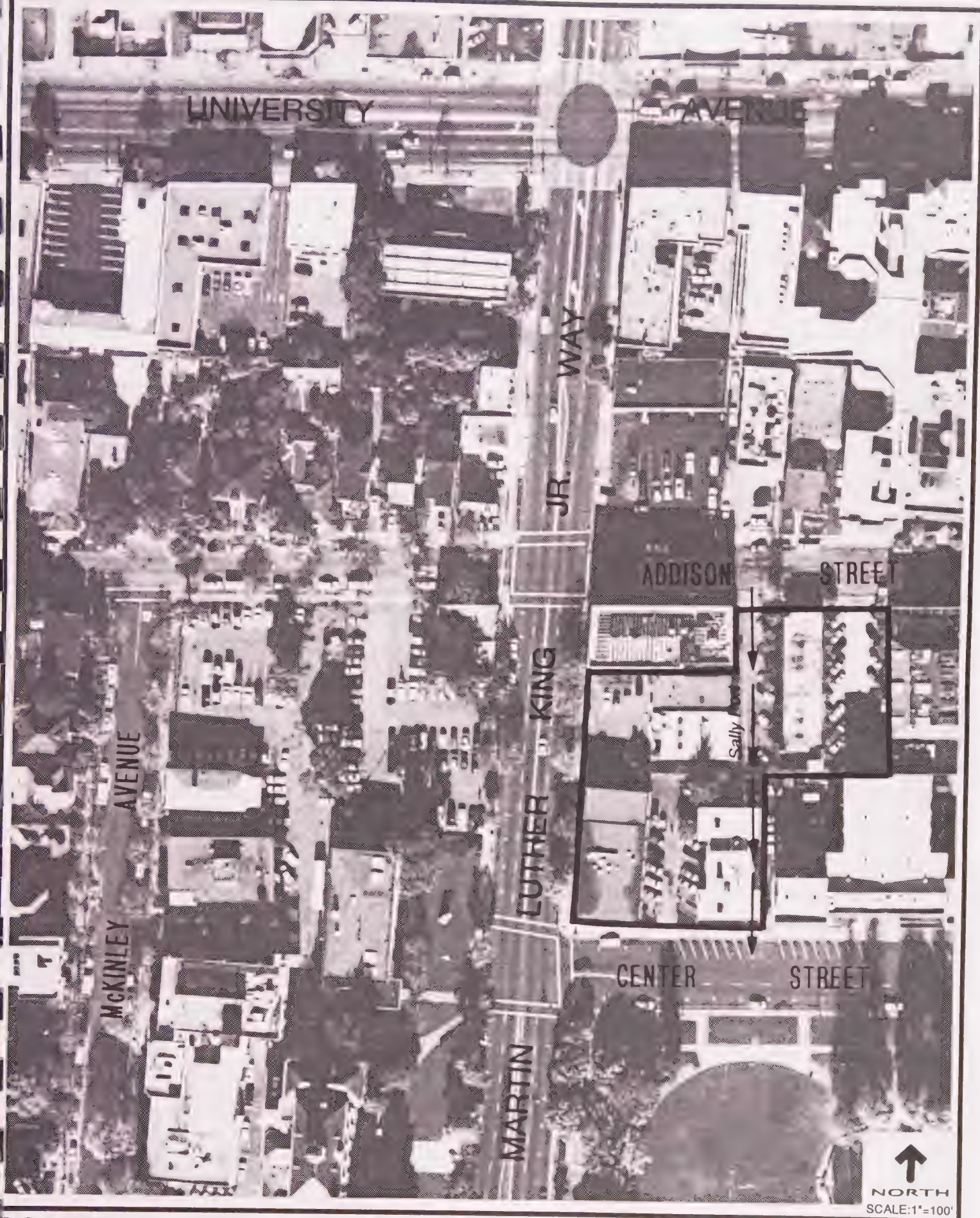
Alternative Plan C would remove one property from the proposed site (Framat Lodge) and would add two properties along Addison Street: the 20-unit apartment building at 1912 Addison Street, and the parking lot at 1914 Addison Street. The 20-space parking lot is co-owned with the office building at 1950 Addison Street. Replacement parking would have to be provided for the Framat Lodge and the Addison Court offices, possibly in the new County parking garage proposed for across the street. There would be a total land area of 39,500 square feet, essentially the same as the proposed project, so no additional height would be needed. However, the site would be divided into a front and rear area, with about 150 feet of frontage on Center Street and about 100 feet of frontage on Addison Street, with a 150-foot long notch also taken out of the corner of the site at Addison Street / MLK Way to preserve the Framat Lodge.



COURTHOUSE ALTERNATIVE CONFIGURATION A



COURTHOUSE ALTERNATIVE CONFIGURATION B



COURTHOUSE ALTERNATIVE CONFIGURATION C



NORTH
SCALE: 1"=100'

COURTHOUSE ALTERNATIVE CONFIGURATION D



COURTHOUSE ALTERNATIVE CONFIGURATION E

**Table V-1
ALTERNATIVE SITE CONFIGURATIONS, CIVIC CENTER SITE**

	Proposed Project	Site Plan Alternative				
		A	B	C	D	E
Properties Required						
1907 Center Street (16 apartments)	X	X	X	X	X	X
1903 Center Street (PG&E Customer Service Center)	X	X	X	X	X	X
2107 MLK Way (American Language Academy)	X	X	X	X	X	X
1906 Addison Street (Framat Lodge (vacant))	X				X	X
1912 Addison Street (20 apartments)			X	X	X	X
1914 Addison Street (parking for offices at 1950 Addison Street)				X		X
Total Number of Properties	4	3	4	5	5	6
Land Area (approx. sq. ft.)	39,000	29,000	33,000	39,500	43,000	49,500
Building Height (stories / height)	4 60' to 70'	5 75' to 85'	4 or 5 60' to 85'	4 60' to 70'	3 or 4 50' to 70'	3 50' +/-

Alternative Plan D would include the entire frontage on Center Street, MLK Way, and Addison Street as proposed for the project, and would add the 20-unit apartment building site at 1912 Addison Street. This would increase the number of properties to be acquired from four to five, and would increase the land area for the project from 39,000 to 43,000 square feet. It would also increase the number of housing units to be demolished, from 28 to 48. This alternative could lead to a three-story plan instead of a four-story plan as currently envisioned, if the vehicular circulation could pass through the undeveloped rear portion of the City's Veteran's Memorial site. This could reduce the height of the building from about 65 feet to about 50 feet, which is still above the City's stated height limit for this area.

Alternative Plan E would be similar to but larger than Plan D. It would include all of the Center Street, MLK Way, and Addison Street frontage and would add the parking lot at 1914 Addison Street to the site. This plan would encompass six properties for a total land area of almost 50,000 square feet, compared to 39,000 square feet as currently proposed. The building could be spread over three floors rather than four, but the internal circulation and sallyport circulation could be inefficient on such a large site. The concept for this alternative is to occupy all of the underdeveloped properties on the block and integrate them into a new development.

Height Modifications could be considered during the next stage of design. As discussed throughout this EIR, the courthouse building is expected to be between 60 and 70 feet tall, based on typical floor-to-floor heights of about 16 to 18 feet per floor, times four floors. These heights are typical for public buildings that have a highly complex system of infrastructure, require certain acoustical characteristics, and are intended to present a formal public appearance. It is possible that the first and second floors, which are essentially office space for the clerk of the court, traffic court, public defender, and district attorney, could have lower heights (as low as 14 feet), but the court spaces need to retain at least 16 feet between floors. Overall, the building height could be reduced to 60 feet with these compromises. This height is in keeping with the City of Berkeley's maximum height limits established for the West and South Buffer areas in the Downtown Plan (60 feet). That height is a bonus height greater than the standard 40-foot limit established for projects that incorporate housing above retail; it would appear to be an acceptable height for other projects that have an overriding public benefit and assist in implementing the City's goals for the area.

Parking Garage Configurations

The proposed parking garage would require the acquisition and demolition of three properties, including a 12-unit apartment building, several offices, and a tire store. One of these buildings (a residence converted to offices) is about 100 years old, and so could be considered historic although it has been modified and is surrounded by incompatible urban development. The proposed parking garage would not exceed the City's height limit at MLK Way, but could increase in height towards the east, next to a new office development that is about 45 feet tall. Construction period noise and dust could affect neighboring apartments at MLK Way and University Avenue, and on Addison Street and office tenants at nearby office buildings.

The two parking garage alternatives described in this section would reduce the number of properties to be acquired on the north side of Addison Street at MLK Way. These alternatives may be warranted if the total number of parking spaces to be constructed is reduced, or if the loss of 12 apartments and a turn-of-the-century era building is considered unacceptable. This may be the case if the County decides that it is most appropriate to provide for only the net increase in parking demand or average demand for the new facility, rather than attempting to meet the full peak demand of the new facility. These alternatives are shown in *Figures V-7 and V-8*, and are described in *Table V-2*.

Environmental Effects

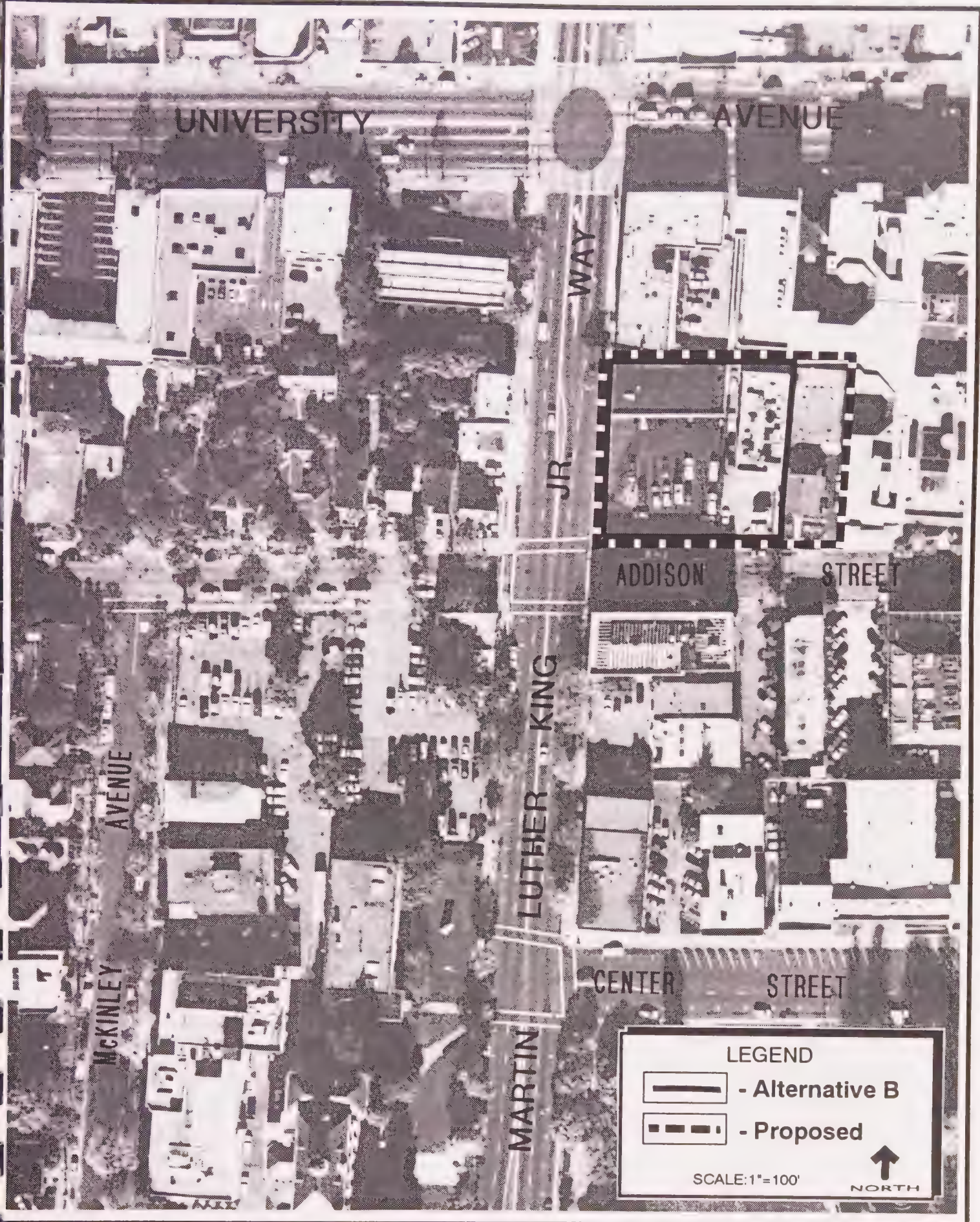
With alternative site plans, the Civic Center site would remain the focus of the court's expansion plans, and the same number of courtrooms, amount of floor space, and various uses and activities would remain in the program, but the configuration could be adjusted to address certain environmental effects of the project as proposed. The project would still require acquisition of several properties, relocation of tenants, demolition of structures, and related construction-period and operational impacts. Therefore, most of the effects of the alternative project site plans would be the same as for the proposed project. However, the plans do offer the possibility of reducing or avoiding certain impacts, such as building height, demolition of older buildings, and adjacency to apartments. These alternatives also present several significant constraints for the design of the new Court facility and could lead to different land use adjacency and design impacts, as described below.

Plan A would avoid the acquisition and demolition of the Framat Lodge, and would set the building back from the 20-unit apartment building at 1912 Addison Street. This would avoid two significant impacts of the project because these existing uses would not be directly affected. The overall land use balance in the downtown area would still be heavily influenced by institutional uses such as City, County and University functions. The project would still include all of the proposed uses and activities, although a redesign of the interior layout and circulation would be required.



PARKING GARAGE ALTERNATIVE A

FIGURE: V-7



PARKING GARAGE ALTERNATIVE B

FIGURE: V-8

**Table V-2
ALTERNATIVE PARKING CONFIGURATIONS, CIVIC CENTER SITE**

	Proposed Project	Parking Garage Alternative	
		A	B
Properties Required			
2099 MLK Way (Goodyear Tire Store)	X	X	X
1911 Addison Street (AJOB Offices)	X		X
1915 Addison Street (Law Offices, 12 apartments)	X		
Total Number of Properties	3	1	2
Land Area (approx. sq. ft.)	25,500	12,000	19,000

The visual character of the project would be changed to represent a more bulky structure at the Center Street frontage because the loss of developable land area would likely lead to an increased height of the building by adding another floor, and/or increased massing toward Center Street rather than the proposed setback design for the upper floor. This would make the building substantially taller than the Framat Lodge and Veteran's Memorial Building, which would increase the incongruity with the neighboring apartment building on Addison Street, and would further exceed the City's height limit for the area. Several buildings in the Civic Center are of equal height, including the City's Civic Center Building, the ETS Building, and the Community Theater, but the height of the "street-wall" on MLK Way would be substantially different from the Framat Lodge and the proposed Public Safety Building. This could conflict with the creation of a "gateway" to the Civic Center because the buildings would be unbalanced and of substantially different designs.

Transportation impacts would be similar to the proposed project, in terms of total trips to the area, but the underground parking would probably be accessed from MLK Way rather than Addison Street, as proposed. This would require a driveway on the MLK Way frontage which would break up the pedestrian environment that could otherwise be provided. Construction noise for this alternative would be similar to the impacts of the project as proposed, except that the impact would be slightly less at the apartments and offices on Addison Street due to an increase in distance. However, if the Framat Lodge were occupied during courthouse construction, there would be a significant impact on those tenants, which would require mitigation with a sound blanket or other methods. Air quality, hazardous materials, and geology/hydrology impacts would all be substantially the same. There could be a seismic risk at the Framat Lodge, depending on the overall seismic retrofit work that may be completed prior to its occupancy with new tenants. This is not an impact of the project alternative, except that the courthouse would be exposed to potential damage from falling brick during an earthquake, and the corner site occupied by the Framat Lodge could become vacant if the building were to be damaged and found to be unreparable. This could lead to adverse visual design impacts over time because there would be a notch in the courthouse at the corner of MLK Way and Addison Street that could be left undeveloped or could be redeveloped with an incompatible use or design. Construction of the new courthouse adjacent to the Framat Lodge could also lead to undermining of the foundation for that structure during construction, which would require careful shoring and monitoring to ensure no adverse effects on that building.

Plan B would exclude the Framat Lodge but would add the 20-unit apartment building at 1912 Addison Street to the courthouse development site. This would avoid the impact of demolishing the architecturally “significant” building at the site, and would also remove the incompatible land use neighbor. While this would minimize effects of construction noise and dust, and the visual incongruity of the project on Addison Street, this would require the County to relocate an additional 20 tenants and would remove 20 housing units from the area. The total land area to be acquired would be about 15 percent less than proposed, which would require the schematic design team to prepare very efficient internal circulation plans, add to the uses that would be placed in the basement, or possibly add a penthouse floor. Access for underground parking and the sallyport would also be affected, and it is unclear if a drive-through sallyport could be provided with this configuration. All of the other environmental effects would be essentially similar to either the project or Alternative Plan A, i.e. noise, dust, traffic, geologic/seismic, hydrologic, and visual effects. Parking for about 12 vehicles at the Framat Lodge would be removed, and so would need to be replaced at the new County parking garage.

Plan C would avoid acquiring the Framat Lodge, but would add the acquisition of the 20-unit apartment building at 1912 Addison Street and the surface parking lot at 1914 Addison. This lot is used by the tenants of the office building at 1950 Addison Street. The total land area would be the same as for the proposed project, but the rear half of the site would be separated from the Center Street frontage by a large offset at the corner of Addison Street and MLK Way. This alternative would avoid the effects of the project on the architecturally “significant” building (Framat Lodge), and would remove the potentially incompatible neighbor at the apartment building. However, this alternative would increase the number of tenants to be relocated and would reduce the amount of housing in the area by 20 units. It would also increase the overall demand for a new parking garage because the existing office parking lot (about 20 spaces) would be removed. The County’s new garage could accommodate this demand by designating spaces for those office tenants. Other effects, i.e. noise, dust, traffic, geologic/seismic, hydrologic, and visual, would be essentially the same as for the proposed project. Noise and seismic effects on the Framat Lodge, if it were occupied, would be similar to those identified for Alternative A.

Plan D would not exclude the Framat Lodge building, and would add the 20-unit apartment building on Addison Street to the project area. This plan would increase the total land area and number of buildings to be acquired, number of tenants to be relocated, and amount of housing removed from the area, compared to the proposed project. The acquisition and demolition of the apartment building would eliminate the land use compatibility issues during construction and operations of the courts. However, it would increase the cost of the project and could lead to an inefficient site plan and access for the Sheriff’s bus. Circulation could be provided through the Veteran’s Memorial Building parking lot if the City agreed to grant an easement and if a security wall could be constructed around the sallyport. Urban design issues would be similar to the project, although the building would have a larger frontage on Addison Street that could function as a major contributor to the streetscape of the area. There is the possibility that this site configuration’s larger land area could provide adequate space for a three-story building if some uses could be shifted around toward Addison Street. This presents several problems related to security and circulation efficiency, but offers the benefit of potentially reducing the building height below the City’s “bonus” height limit of 60 feet. Other impacts would be similar to those identified for the project as proposed.

Plan E would involve the acquisition of all of the property along MLK Way and additional properties on Addison Street, including the Framat Lodge, 20-unit apartment building, and the parking lot at 1914 Addison Street. This plan would occupy the largest land area of any of the alternatives (almost 50,000 square feet). The project would occupy a large proportion of the block, although the Forestry Building also has a very long frontage on Addison Street. Like Alternative C, this alternative would require replacement parking for the office building at 1950 Addison Street, most likely at the new County parking garage. Overall height of the building could be reduced to three stories, but the floor plans could become unwieldy with the large land area and the need for through circulation at the sallyport. Construction noise and dust impacts could occur at the offices at 1950 Addison Street with this configuration. The Courthouse building could also block windows at those offices, which would be an

adverse effect not otherwise present in other alternatives. Other environmental effects would be similar to the proposed project.

Height Modifications. The intent of reducing the building height would be to address the City's height limit expressed in the Downtown Plan, to facilitate a coordinated "gateway" image on MLK Way southbound in conjunction with the new Public Safety Building (about 50 feet tall), to better coordinate the building facade on Center Street with the height of the Veterans Memorial Building (45 feet tall), to reduce the length of shadow cast on adjacent streets and properties, and to reduce the building's bulk as viewed along MLK Way and Addison Street and experienced by pedestrians and others along the street frontage on MLK Way. This option of reducing the building height is implied in Chapters III.A and III.B as part of the mitigation strategy that could be used to address inconsistencies between the project and City regulations, and with the overall design and development pattern in the area. All of other environmental effects of this alternative would remain the same.

Alternative Parking Garage Configurations. The proposed parking garage would consolidate several properties along Addison Street, requiring the removal of two office buildings, 12 apartments, and a tire store. Alternative configurations would reduce the number of properties to be acquired. This could actually increase the level of environmental effect at the parcels not acquired because the demolition and construction activity, and the operations at the garage could impinge on the small-scale office and residential uses that would remain. The parking garage would be between 35 and 45 feet tall. If it were built next to the newer offices (Promenade) and existing commercial/apartment buildings as proposed, the new garage could incorporate walls and exterior design treatments to make it compatible with those uses, which are of similar height and land use intensity. However, if the garage were constructed on only part of the property, then there would be a gap in the development pattern that would leave an incompatibility between the older small scale uses and the newer offices and parking garage. In addition, the parking garage would have lower capacity if it occupied a smaller land area, which would lead to a possible overflow parking problem on local neighborhood streets or overcrowding at other public parking garages which are already near capacity. Therefore, the proposed parking garage is considered a superior solution.

Alternative Feasibility

Economic. The development of the alternative site plans would lead to certain cost savings if fewer properties were acquired and fewer tenants were relocated, or could lead to higher project costs if additional properties were acquired and tenants were relocated. No appraisals have been prepared by the County for the Framat Lodge, apartment building, and parking lot on Addison Street. Relocation studies are being prepared as part of the project studies at this time.

If the new Courthouse building were to be constrained by the amount of land available, as shown in Alternative A, construction costs could increase due to more complex internal layout plans, and the possible need for an additional story of height. This could add to the operational costs of the project because additional staff would be needed to provide security and circulation facilities at the additional floor level. The life-cycle costs of the building could also increase substantially if the building is built with a lack of flexibility to address future court needs. If the Courts did not have adequate funds to address these demands, then lesser quality finish materials could be used, which would reduce the visual quality of the building and could shorten the useful life of the building.

If additional land is used for the site, costs would increase because of the additional properties and tenants involved. Costs could also increase due to an irregular floor plan or a more sprawling floor plan, as shown in Alternatives B, C, D, and E. Internal circulation would be awkward, and the single-loaded core and court module concept for the project may need to be compromised. If there were an additional entry point on Addison Street, then a substantial increase in security facilities and staffing would be required. As with a more compact design,

the cost increases would need to be compensated for in some other aspect of the project design, or in the uses and services to be provided in the courthouse facility.

If the height of the building were reduced through the use of shorter floor-to-floor heights, the cost of the project would likely increase to some degree due to the more difficult arrangement of structural members and infrastructure (heating, cooling, communications, power, etc.), which would increase the design, construction, and maintenance costs.

Environmental. Environmental constraints for the alternatives are primarily related to the continued presence of the Framat Lodge immediately adjacent to the new Courthouse. If preserved, the Framat Lodge presents some seismic hazards and some design constraints for the project and the Public Safety Building. The building is not a typical building within the Civic Center, in terms of its materials or design characteristics. If it remained in place, the new Courthouse and Public Safety Building would not form the gateway to the Civic Center because the Framat Lodge would remain at the rear and side of the Courthouse site. It would also interrupt any design theme that could be carried through to the new County parking garage at Addison Street and MLK Way. Other impacts, such as construction noise and dust, traffic, and seismic safety could be mitigated in a manner similar to what is proposed for the project.

Legal. To the extent that any alternative plan would preclude the project from incorporating critical elements of the Courthouse program, as identified by the Judicial Council and subsequent County programming, then that alternative could be considered legally infeasible. This would be particularly true if it presented a hindrance to the County's ability to satisfy its obligations to provide a safe, efficient environment for the conduct of judicial business, and the stipulations of California Rule of Court 991 regarding coordination of Municipal and Superior Court functions at the local level.

Conclusion

The Center Street Site alternative plans are considered potentially feasible if several economic, environmental, and legal factors can be resolved. However, the proposed project is preferred by the County and was endorsed by the City as the preferred configuration because it is the most efficient and logical project. No unusual floor plan, circulation, staffing, access, or other elements would be required with a rectangular structure, thereby reducing construction, operations, and life-cycle costs. The project would provide a superior, cohesive design for the Civic Center gateway and would be an efficient use of the land, minimizing the number of properties to be acquired and the number of tenants to be relocated.

Hink's Garage Site - Alternative Site Plans

Description

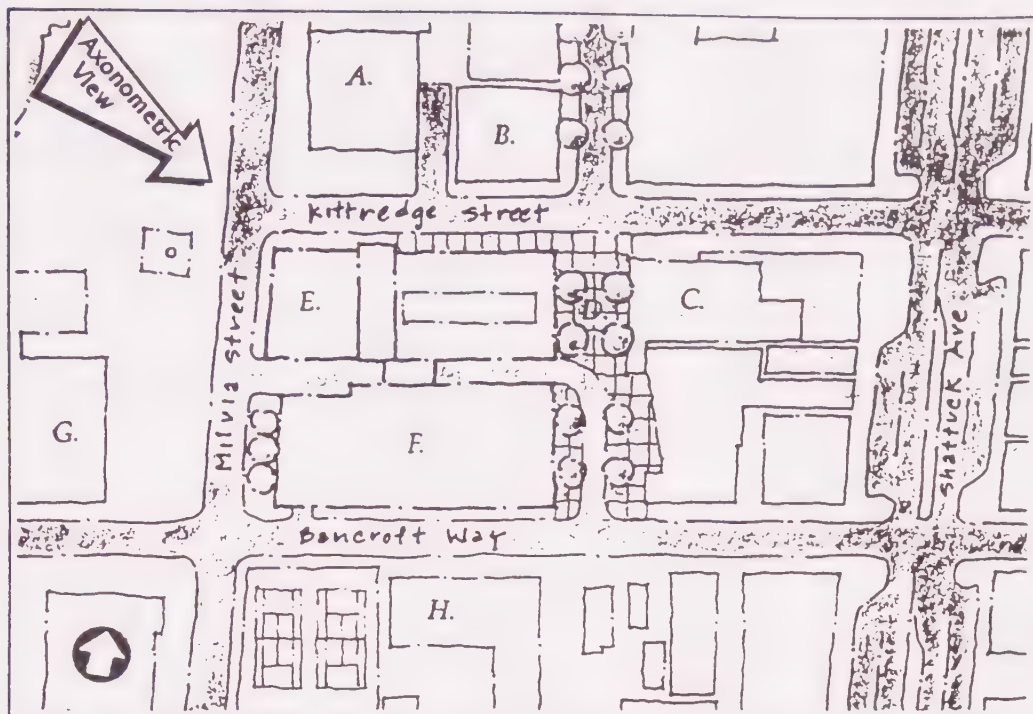
Several alternative plans for developing the Hink's Garage site have been prepared and tested by the County, City and the Public Library. Four illustrative plans that incorporate the major features of these plans are shown and evaluated in this EIR. One of the main areas of interest in preparing these alternatives was the facilitation of a horizontal expansion of the Berkeley Public Library. However, the aesthetics and functionality of the new courthouse and the related parking structure must be considered at least equal in importance when evaluating any of these alternatives. *Figures V-9 through 11* illustrate the various options that have been considered.

The proposed project would occupy the majority of the Kittredge Street frontage of the site, thereby requiring the library to expand its facility upward above the existing library building or to limit the extent of the library addition to a smaller area immediately west of the existing library. The alternative site plans considered in this

EIR would rearrange the courthouse and parking structure to provide additional frontage along Kittredge Street for the library, consolidating courthouse development on the Milvia Street frontage of the block and possibly moving some or all of the public parking off of the site to a lot currently occupied by the Berkeley High School tennis courts.

Under these scenarios, public access to the Courts could be from Kittredge Street or from Milvia Street. The building would likely be three or four stories tall (45 to 60 feet). At a minimum, secure parking and the sallyport and loading dock driveway would be provided on-site. Additional parking could be provided on-site and/or off-site. It is assumed that parking sufficient to replace the existing public parking on the site would be required, plus parking for jurors and visitors to the courts.

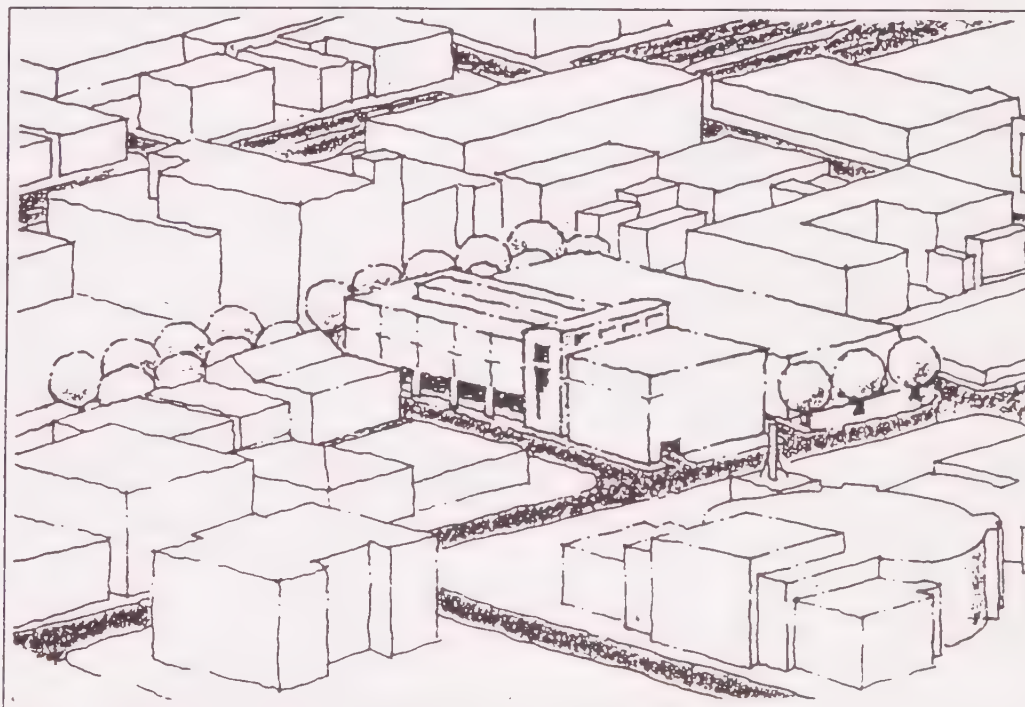
Alternatives were prepared by the Court's architects using the general footprint and square footage assumed for the project. The first plan locates a portion of the office area to a Milvia Street wing. This results in a reduced frontage on Kittredge Street, and an overlapping garage and office building. The main entry would still be on Kittredge Street. The second plan locates the main entry to the new courthouse on Milvia Street, with a parking garage located behind the building in the middle of the block. Additional alternatives were prepared by the City of Berkeley's consultants as part of the Civic Center Urban Design Plan process. These plans represent general approaches to siting the courts based on typical court layouts, but would have to be refined to determine if they would meet the specific programmatic needs of the Berkeley Courthouse project. One of the City's plans shows the courts facing Milvia Street, plus a library expansion on the eastern part of the block, and a parking structure between the two buildings. A second plan shows the courts located on Kittredge Street, with a library expansion adjacent to and a parking structure behind the courts.



- A. Post Office
- B. Armstrong College
- C. Public Library
- D. Plaza
- E. Proposed Courthouse
- F. Proposed Public Parking
- G. High School
- H. Apartments

Source: RDA / Berkeley Planning Department

Scale: NTS



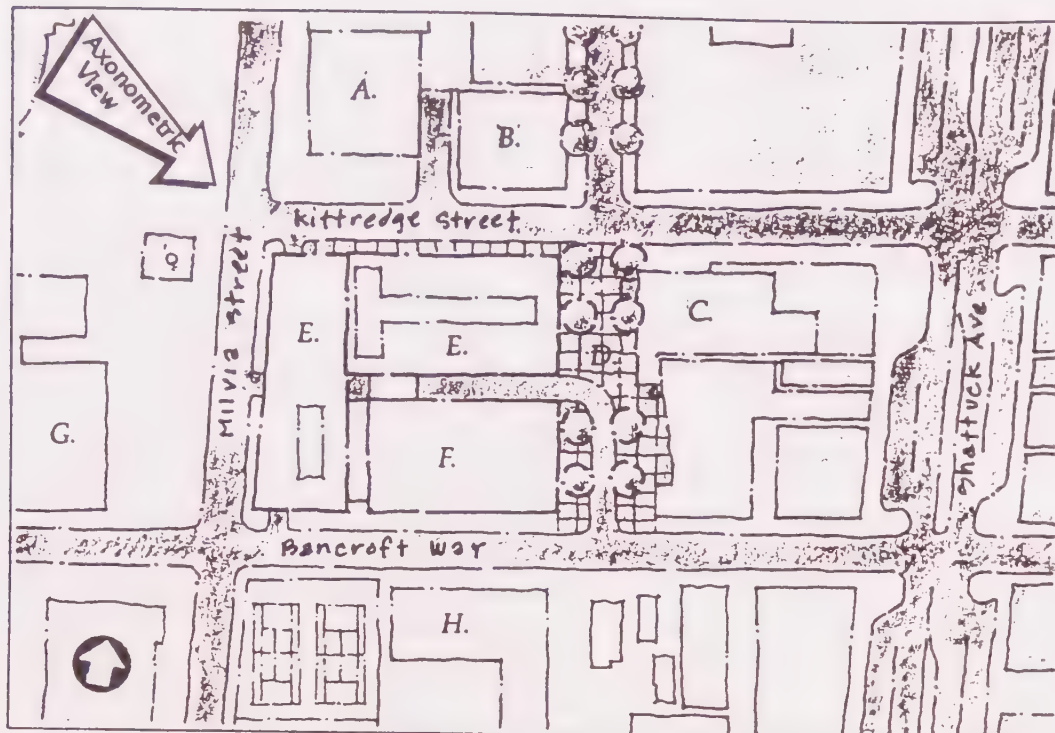
Axonometric View

Scale: NTS

SOURCE: Michael Ross - Charles Drulis Architects and Planners

HINK'S SITE - ALTERNATIVE A(CONCEPTUAL)

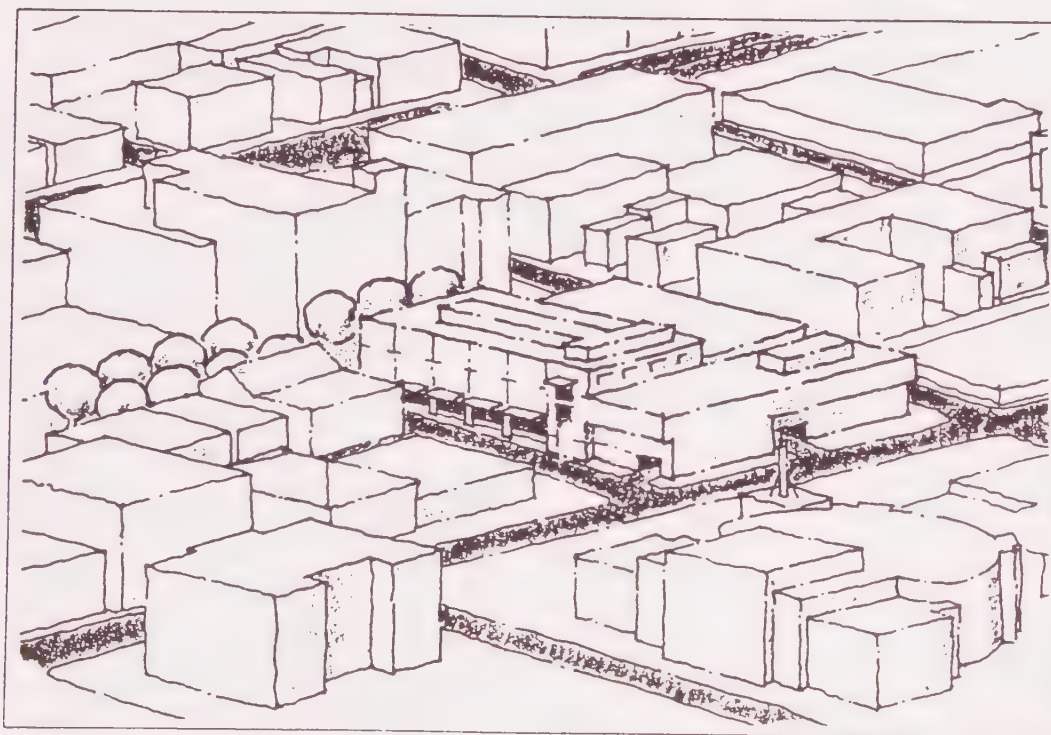
FIGURE: V-9



- A. Post Office
- B. Armstrong College
- C. Public Library
- D. Plaza
- E. Proposed Courthouse
- F. Proposed Public Parking
- G. High School
- H. Apartments

Source: RDA / Berkeley Planning Department

Scale: NTS



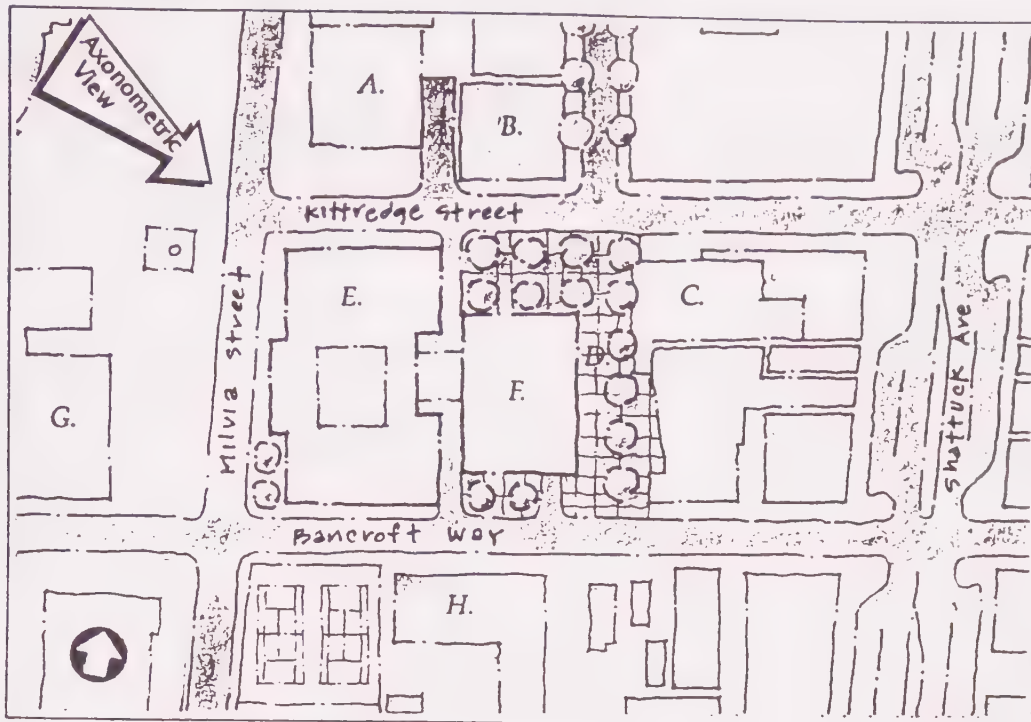
Axonometric View

Scale: NTS

SOURCE: Michael Ross - Charles Drulis Architects and Planners

HINK'S SITE - ALTERNATIVE B (CONCEPTUAL)

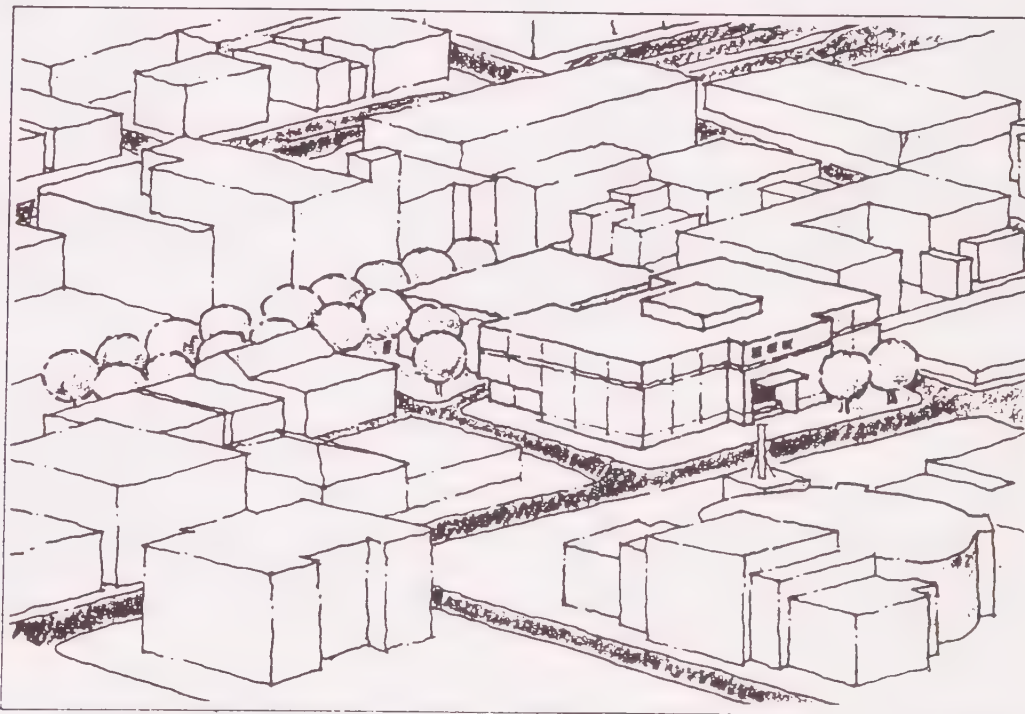
FIGURE: V-10



- A. Post Office
- B. Armstrong College
- C. Public Library
- D. Plaza
- E. Proposed Courthouse
- F. Proposed Public Parking
- G. High School
- H. Apartments

Source: RDA / Berkeley Planning Department

Scale: NTS



Axonometric View

Scale: NTS

SOURCE: Michael Ross - Charles Drulis Architects and Planners

HINK'S SITE - ALTERNATIVE C **(CONCEPTUAL)**

FIGURE: V-11

Environmental Effects

Alternative site plans at the Hink's site would keep the focus of the court's expansion plans on a downtown site. The same number of courtrooms, amount of floor space, and approximately the same number of parking spaces would need to be provided in each case. Due to the density of development at the site with the library expansion, the plans could involve the development of an off-site parking garage for courthouse staff and visitors, other public agencies, and the general public.

The environmental effects of the alternative site plans would be essentially the same as for the proposed plan at the Hink's Garage site. Construction noise could be reduced somewhat if the new court buildings were constructed further from the west wall of the Public Library, but the noise would still be significant and would require mitigation. Traffic and parking impacts could be worsened with the alternative site plans if the

Alternative Feasibility

The Hink's Site alternative Site Plans are considered potentially feasible, based on the lack of any controlling economic, environmental, legal, social and technological factors. The site plans are not constrained by land area or adjacent uses, and circulation and access are feasible from any of the side streets. The major constraint would be the internal circulation as it relates to security, staffing efficiency, and the court module concept. Additional schematic design studies could probably resolve these issues, but the County prefers Alternative A due to the simple rectangular plan. The other critical constraint is the desire on the part of the City and downtown business community for a full replacement of the existing parking supplied at the site. That would place a severe budgetary demand on the project and would result in a substantial parking garage located adjacent to residential uses, but it could be adequately mitigated through appropriate access and exterior design treatments.

Conclusion

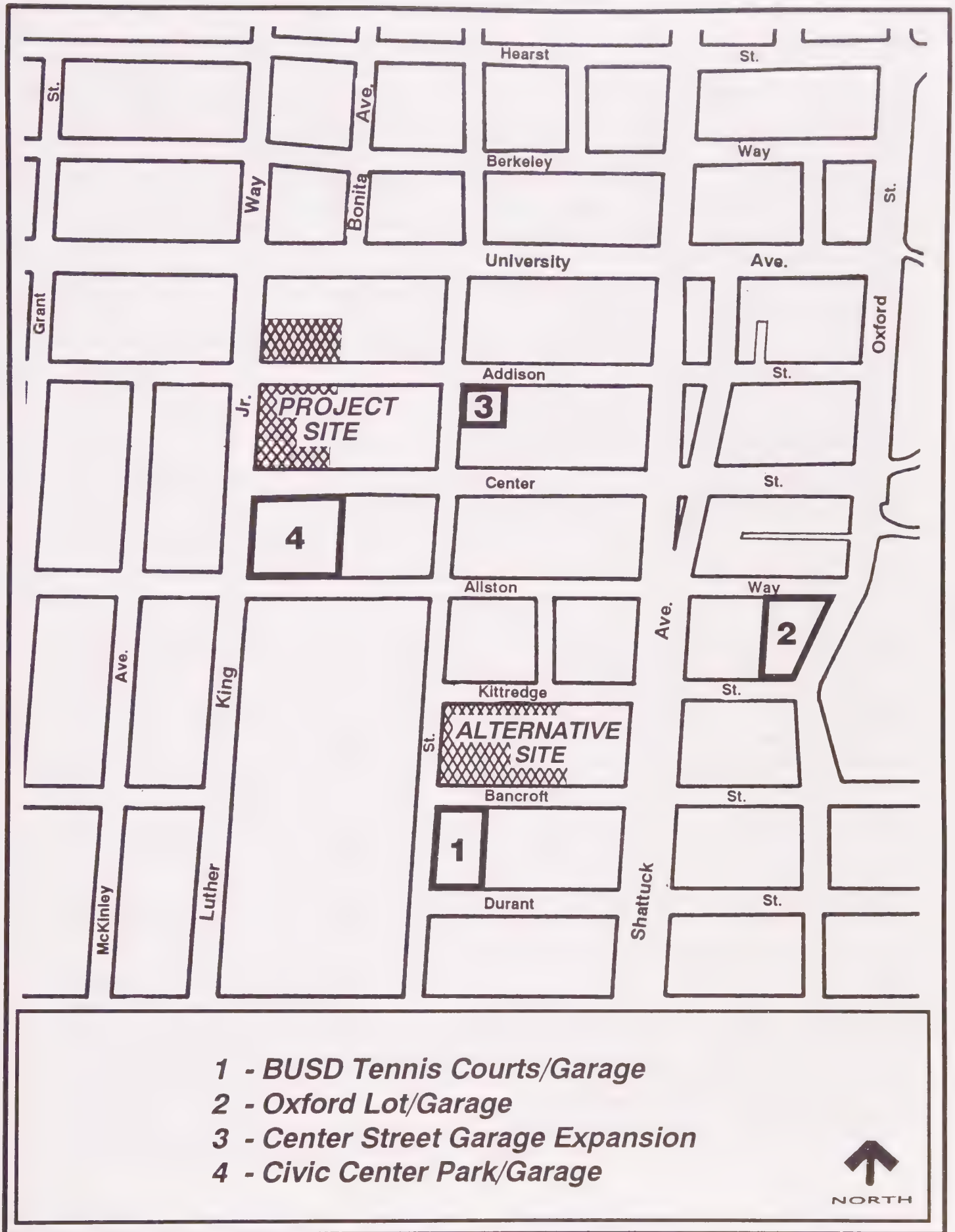
The Hink's Site plan is evaluated throughout this EIR as a viable alternative. The site was selected by the County and City in 1990 and was pursued for several years prior to the City's recent Civic Center planning effort. If necessary, the County could select the Hink's Garage site as the preferred site, and the courthouse could function very satisfactorily at that location.

Alternative Parking Provision

Characteristics

The County of Alameda has evaluated numerous approaches to meeting the need for parking that currently exists at the courthouse and that will occur after development of the new courthouse and several other projects in the Civic Center area. The City of Berkeley has also evaluated these proposals as part of the planning process for the Civic Center Urban Design Plan. See *Figure V-12*.

Center Street Garage Expansion. The City is currently planning to undertake seismic retrofit work at the Center Street garage. The City is also considering an expansion to the garage on two properties currently occupied by a small office and a surface parking lot. A net increase of about 125 parking spaces could be provided in the expansion. It is not known if the expansion could reasonably be served by the ramps at the existing parking garage to the east, or if the new garage would need to operate as a stand-alone facility. There appears to be an unmet demand for parking in this area due to on-going construction and renovation of office space for public and private use, so the project could be constructed by the County, City, or private party at some time in the future.



ALTERNATIVE PARKING LOCATIONS

FIGURE: V-12

The City's transportation impact fees could be applied to the development of a new parking garage or expansion, since the fees are intended to address the downtown area's parking needs. Alternatively, the garage expansion could be funded and/or constructed by the County instead of the proposed parking garage on Addison Street. The garage would not be adequate to meet the total demand for parking at the new courthouse, but it would be adequate to meet the net increase in demand from the courthouse expansion from five to nine courts. If the County determines that current parking demand is adequately met by the existing pattern of on-street and public parking garage facilities, then this approach could be adequate. The County would need to determine the whether coordination with the existing City garage is feasible, if this alternative were to be pursued. It is possible that the garage would have to be restricted to County use only in order to ensure that adequate space was available for County use due to the already high demand for public parking in the area.

Oxford Lot. The City of Berkeley's Downtown Plan identified the need for additional parking, and proposed a feasibility study for the development of a mixed-use retail/housing/parking project on the City's surface parking lot east of Shattuck Avenue. That lot is not located in close proximity to either of the County's project sites. Therefore, it is unlikely that the County would directly benefit from cooperating in such a project. However, if the new Oxford parking garage relieved parking congestion in the western part of downtown, then there could be a net benefit to the City and County projects in the civic center area. The Oxford Lot project was part of an overall program to address an apparent short-fall of at least 300 parking spaces in the downtown, so it is unlikely that this balancing effect would substantially reduce the demand for parking at or near the proposed Courthouse site. Therefore, it does not appear to be an appropriate mitigation strategy for the project. However, the project would provide a net increase of about 263 parking spaces within the downtown, which could alleviate some of the parking demand in the courthouse area that is otherwise met by existing on-street and garage parking.

Civic Center Park. The City considered developing a new parking garage underneath the existing Civic Center Park, directly across Center Street from the proposed courthouse site. The garage was discussed as being one or two stories underground, with vehicular access on Center Street and Allston Way in the middle of the block between MLK Way and Milvia Street. Between 200 and 400 vehicles could be accommodated. The Civic Center Park would have to be completely cleared and reconstructed. This could present an opportunity to redesign the park and incorporate some unique design features such as a reconstructed Strawberry Creek, grandstand, cafe, or other elements. However, the public discussion seemed to lead to a conclusion that the parking garage would cause an unacceptable disruption to the current park users, would change the easy access to the park currently provided by the level sidewalk/park transition, and would result in more vehicular traffic around the park which would increase noise and air pollution. For these reasons, the County could participate in a City-sponsored parking garage, but the County does not intend to sponsor a parking garage under the Civic Center Park.

BUSD Tennis Courts. The Berkeley Unified School District has undertaken several studies related to the development of the High School campus and related facilities, including the tennis courts on Milvia Street between Bancroft Way and Durant Avenue. Several parking garage concepts were prepared which illustrate the potential development of between 285 and 475 spaces, depending on the height and bulk of the building and whether or not the tennis courts remained as a use on the rooftop. The BUSD has identified a need for staff parking and has considered moving all of the parking off of the main campus, so the garage could be built at some time to fulfill the school district's needs. If the County opts to implement the courthouse project at the Hinks' Garage Site, and it is not feasible to replace all of the existing parking within a new on-site garage, then the County may be able to negotiate an arrangement with the BUSD to use the tennis courts site for parking. The garage could be co-developed with the BUSD to accommodate additional spaces for the joint use of the high school staff and County staff, or others.

Environmental Effects

Center Street Garage. The Center Street garage expansion alternative location would be located two blocks from the new courthouse facility, which might result in lower usage and more parking in the neighborhood to the west of MLK Way. This would be an adverse effect that could be addressed through adequate signage and instructions to jurors and staff to use the parking garage. A parking subsidy may be required to obtain compliance with such an encouragement. The alternative location would have lesser land use impacts compared to the proposed parking garage because no apartment units would be demolished, and less office space would be acquired. The design of the parking garage at either site would require sensitivity to the pedestrian environment and neighboring development. The intersection of Addison and Milvia Street and the Milvia Street bicycle boulevard would be adversely affected by the construction of a new parking garage at this corner. Milvia Street is relatively narrow and congested at this location, and there is a high volume of pedestrian and bicycle activity; therefore, this alternative should be carefully considered in consultation with the City prior to further analysis.

Oxford Lot. No significant unavoidable environmental effects are apparent from a preliminary review of the possible development of a parking garage at the Oxford Lot, but additional environmental study would be required. There is the potential for aesthetic effects on the Oxford Street corridor and for adverse effects on the local street intersections and pedestrian crossings due to the increase in traffic volumes. The County is not proposing this alternative and does not anticipate participating in its development because adequate parking can be provided at the project site and because the Oxford lot is far removed from the project sites. Therefore, no further analysis is offered at this time.

Civic Center Park. As noted above, the community has identified several effects of developing a parking garage underneath the Civic Center Park. None of these would appear to be significant and unavoidable, but there could be constraints due to the presence of the Strawberry Creek culvert across a portion of the site. Any effort to develop an underground structure would require careful analysis of the creek hydrology. The design of such a garage would also require considerable design effort to address the aesthetics of the park following the introduction of additional vehicles in the immediate area and the reconstruction of the park. For example, pedestrian interaction at the perimeter of the park could be hindered if the garage requires the park to be elevated above street level. Landscaping could also be hindered if the structure is not designed to accommodate the loads and the irrigation and root systems of major features including trees.

BUSD Tennis Courts. The parking garage at this location would be located adjacent to a three-story apartment building on Bancroft Way. Some of the concepts for the parking garage would require variances from City zoning due to reduced setbacks and increased height, so the project could have effects on the general aesthetics for the apartments, and could have effects on the local traffic patterns. Based on the analysis in this EIR, the local intersections would operate at acceptable levels of service, but there would be a noticeable increase in traffic in the area that could require traffic calming (speed humps) similar to those installed by the City on Channing Way.

Feasibility

The alternative parking scenarios appear to be environmentally, technically, legally, and economically feasible, if the City and/or BUSD conducts appropriate studies prior to pursuing any one of them. There appears to be sufficient demand for additional parking in the Civic Center and Downtown areas without the addition of the proposed Courthouse to support the development of one or more new parking garages. The County may choose to participate in one of these projects if it would address County needs and would not substantially increase the cost to the County compared to other options being considered near the project site.

Environmentally Superior Alternative

Based on the foregoing analysis, the proposed Project is the environmentally superior alternative at either site.

At the Civic Center Site, the proposed project would result in two unavoidable significant impacts, i.e. short-term construction noise at neighboring properties and the loss of an architecturally significant building. All other impacts could be adequately mitigated by the implementation of those measures recommended in the EIR. Three of the alternative plans could avoid the loss of the Framat Lodge, but would result in other significant impacts, including the loss of an additional 20 housing units, increased height and bulk of the courthouse, design incongruity with the Framat Lodge and Public Safety Building, and poor accessibility, security, and efficiency for the court facility. Therefore, the alternatives would not be environmentally superior to the project as proposed. This is a reasonable conclusion because the project has been designed in consultation with the City and interested parties in order to take into consideration the environmental, economic, technical and legal constraints, and the County has proceeded with the project based on the overall superiority of the current plan.

At the Hink's Garage Site, the proposed project would result in one unavoidable significant impact, i.e. short-term construction noise at neighboring properties. Alternative plans for the site would not avoid this impact. Alternative site plans could result in additional impacts because of the reduced amount of parking that would be available to replace the public parking currently at the site, and the awkward public access and urban design elements with a reconfigured plan oriented toward Milvia Street.

Conclusion

This EIR has considered a reasonable range of alternatives to the project. However, the Alameda County Board of Supervisors will make the final determination as to the appropriate course of action for the project. Findings will be made at the time of project approval to explain the reasoning behind the final project design, including the disposition of each impact identified and each alternative considered in this EIR. In this context, it is possible that refinements may be made to the project during subsequent design phases that could address some of the impacts of the project or to address public comments not necessarily related to significant environmental effects.

This process of refinement based on information gathered during the project review period is anticipated by CEQA, and would not necessarily change the conclusions of this EIR, but could change the ultimate project design. That future project is anticipated to be superior to any alternative that we can identify at this time, but it is possible that environmental, social, and technical trade-offs will be required to implement the project. In any event, findings will be made by the Alameda County Board of Supervisors to provide a public documentation of the decision-making process and the balancing of issues and concerns related to the project.

Chapter VI - EIR Preparation

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